



SPOTLIGHT ON

INVISIBLE DISABILITIES

**COMMUNITY CONSULTATIONS
ON FEDERAL ACCESSIBILITY
LEGISLATION – YEAR 2 REPORT**



Canadian Hard of Hearing Association
Association des malentendants canadiens

Canada 

*Diversity in Canada
is a fact, but inclusion
is a choice.*

– Panelist, Youth Perspectives Webcast

3 NON-VISIBLE DISABILITIES
MENTAL HEALTH / LEARNING DISABILITIES / HEARING LOSS



**INCLUSIVE
AND ACCESSIBLE
CANADA**

1 YOUTH NETWORK

19
PARTNERS
REPRESENTING
+ 9M
PEOPLE

REPRESENTING 3 GROUPS
VETERANS
YOUTH
SENIORS

OVER 950 PARTICIPANTS
IN NATIONAL
CONSULTATIONS

5 FOCUS
AREAS

1 NATIONAL
SURVEY

29
CANADIAN
HARD OF HEARING
ASSOCIATION –
BRANCHES
AND CHAPTERS

LIST OF PARTNERS

CANADIAN HARD OF HEARING ASSOCIATION

LEARNING DISABILITIES ASSOCIATION OF CANADA

NATIONAL EDUCATIONAL ASSOCIATION OF
DISABLED STUDENTS

ROYAL CANADIAN LEGION

CANADIAN COUNCIL ON REHABILITATION AND WORK

CANADIAN MENTAL HEALTH ASSOCIATION

NEIL SQUIRE SOCIETY

ARCH DISABILITY LAW CENTRE

CANADIAN CENTRE FOR DIVERSITY AND INCLUSION

CANADIAN ACADEMY OF AUDIOLOGY

CANADIAN HARD OF HEARING
ASSOCIATION FOUNDATION

COMMUNICAID FOR HEARING IMPAIRED PERSONS

CANADIAN DEAFBLIND ASSOCIATION

BRAIN INJURY CANADA

INCLUSIVE DESIGN RESEARCH CENTRE,
OCAD UNIVERSITY

MEDIA ACCESS CANADA

MENTAL HEALTH COMMISSION OF CANADA

CANADIAN NATIONAL SOCIETY FOR THE DEAF-BLIND

HEARING FOUNDATION OF CANADA

SPEECH-LANGUAGE & AUDIOLOGY CANADA

ACKNOWLEDGEMENT

Funding Partner: This project has been funded by the Government of Canada's Social Development Partnerships Program – Disability Component

March 27, 2018

**THE HONOURABLE KIRSTY DUNCAN, P.C., M.P.,
MINISTER OF SPORT AND PERSONS WITH DISABILITIES**

Dear Minister:

As National Executive Director of the Canadian Hard of Hearing Association (CHHA), I am pleased to present to you the second-year report on the Spotlight on Invisible Disabilities initiative for the Social Development Partnership Program—Disability Component.

We know that the Government of Canada has committed to public investment to spur economic growth, job creation and broad-based prosperity. CHHA is honoured to have supported this priority by providing recommendations toward Canada's proposed accessibility legislation.


Together with the support of 29 CHHA branches and chapters and 19 partner organizations, we led a series of discussions and consultations reaching individuals and supporters from coast to coast. Results stemming from the Spotlight Project's Year 1 report generated 15 priority recommendations originating from much input provided by individuals, stakeholders and members representing youth, seniors and veterans with non-visible disabilities on issues relating to mental health, learning disabilities and hearing loss.

Based on the priority recommendations from Year 1, five focus areas were identified that provided the Spotlight Project's focus for Year 2 of consultations. The discussions identified ways in which the legislation could put the recommendations into practice and how to measure the success of its outcomes.

We are confident that the report will serve Employment and Social Development Canada and the Office for Disability Issues as a strong resource for developing and implementing the new federal accessibility legislation and contributing to an equitable and inclusive society for all Canadians.

We look forward to continuing our work in supporting the new accessibility legislation and working collaboratively with all levels of government, our communities and all visible and non-visible disability to invest in the advancement of access and inclusion across Canada.

Sincerely,



CHRISTOPHER T. SUTTON
National Executive Director
Canadian Hard of Hearing Association

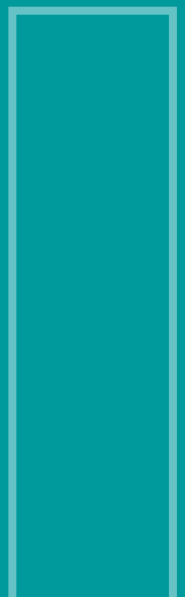
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*People fear the things
they don't know
or don't understand."*

– Panelist, Youth Perspectives Webcast

DEFINITION OF NON-VISIBLE DISABILITIES



The federal government could go miles in leading by example, such as providing wonderful accommodations to the Canadians they reach out to. Setting an example would truly show how dedicated they are to improving accessibility laws in Canada and making a brighter and more inclusive future for all Canadians.

– Leanna Rowe, Consultations Participant

Language is powerful. The Spotlight Project was initially envisioned around the term ‘invisible disabilities;’ however, further discussions among partners led to the adoption of the term ‘non-visible disabilities.’ This stemmed from the realization that many people with invisible disabilities could feel more comfortable with the term ‘non-visible disabilities.’ While some partners highlighted the benefits of using ‘invisible disabilities’ from a marketing perspective, all partners agreed that in Year 2, the Spotlight Project would use the term ‘non-visible disabilities.’

A person with a non-visible disability is someone who has a disability that is not immediately apparent. Persons with hearing loss, mental health issues or learning disabilities do not use visible aids such as a wheelchair to accommodate them.

Non-visible disabilities are barriers that affect normal activities of daily living. In addition to coping with their disability, those with non-visible disabilities have the burden of deciding whether to disclose their disability to access services and accommodations for everything they do. Because there is no standard definition of disability in Canada, individuals who qualify for government assistance under one program may be denied by another. Those with non-visible disabilities may face additional obstacles in their daily life of having to “prove” their disability when recognition is lacking due to poor education or social stigma.

A. HEARING DISABILITIES

Studies show that 1 in every 4 Canadians report having some degree of hearing loss and hearing loss is the third most prevalent chronic health condition in older adults, after arthritis and heart disease. Hearing loss has a profound impact on an individual’s ability to communicate with the world around them. A person who is hard of hearing becomes frustrated and isolated in social situations. They are removed from joining large group discussions or joking around with friends as they need to see the person speaking. They cannot always anticipate who the next speaker will be and look in the right direction to speech read. Poor lighting in the room adds to the problem. Data from the Canadian Longitudinal Study on Aging shows that hearing loss was associated with reduced social supports and loneliness, leading to reduced social functions for both men and women aged 65-85.¹ Hearing aids enhance hearing but do not correct it in the same way that glasses correct eyesight. The effort to follow a conversation leaves a hard of hearing person exhausted and depressed.

B. LEARNING DISABILITIES

Learning disabilities impact mental health. Before diagnosis, young people are depressed and anxious because they may not understand why their cognitive functioning differs from those of their classmates. Young people can be separated from their classmates creating a sense of isolation and feelings of inadequacy. Feelings of anxiety are compounded when students are asked to read out loud or answer questions in front of their classmates, knowing their non-visible disability made them unable to keep up with the others. These early life experiences create fear for the future, such as, integration into the workforce.

The 2012 Canadian Survey on Disability (CSD) found that “among adults with a learning disability aged 15 and older who currently were or had recently been in school, almost all (98.0%) stated that their disability directly impacted their educational experience.”² The most common impacts reported by those with a learning disability included: “taking longer to achieve education milestones, taking fewer courses and changing their choice of courses or career. Many also reported social difficulties including being avoided or excluded and being bullied.”³ Consultation participants with learning disabilities noted challenges in finding work that accommodated their disability as well as anxiety and mental health issues.

C. MENTAL HEALTH CHALLENGES

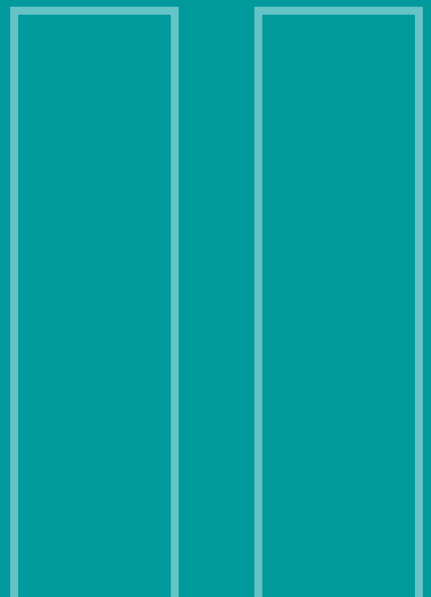
Mental health affects every aspect of a person’s life. The Mental Health Commission of Canada reports that “in any given year, one in five people in Canada experiences a mental health problem or illness, with a cost to the economy of well in excess of \$50 billion”. Because it is a non-visible disability it is challenging to ask for accommodation because others assume the person is being difficult or entitled to something that others are not privy. Small things like taking public transit or buying groceries during busy times becomes challenging. These disabilities are episodic; symptoms and needs can vary from day to day and from individual to individual. One customer may not display any visible signs of a mental health disability, but require an accommodation to prevent or manage triggers or symptoms. Another customer may display characteristics of a mental health disability, but not require any accommodation at all.

1 Mick, P., Parfyonov, M., Wittich, W., Phillips, N., and Pichora-Fuller, K. “Associations between sensory loss and social networks, participation, support, and loneliness: Analysis of the Canadian Longitudinal Study on Aging.” *Canadian Family Physician*, Vol. 64: January 2018.

2 Statistics Canada <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2014003-eng.htm>

3 Statistics Canada <http://www.statcan.gc.ca/pub/89-654-x/89-654-x2014003-eng.htm>

SPOTLIGHT ON INVISIBLE DISABILITIES



PROJECT DESCRIPTION

The goal of the **Spotlight on Invisible Disabilities: Community Consultations on Accessibility Legislation Project** was to conduct consultations with members of 19 partner organizations and the public to provide recommendations to the federal government on issues affecting the lives of persons with non-visible disabilities that will be improved with new federal accessibility legislation in Canada.

This project seeks to address these issues by examining the barriers to access facing Canadians with disabilities, listening to those with disabilities explain their needs in their own words, and giving voice to those concerns in order to influence legislation at the federal level.

The organizations comprising the Spotlight Project are mandated to assist their constituents to integrate into society or to support the professionals who work with people with non-visible disabilities. Through this project, they are informing the federal government of recommendations to include in accessibility legislation that will address social issues and challenges considered to be barriers to full participation in Canadian society such as social isolation, discrimination, and lack of access to healthcare services.

THE OBJECTIVES OF THIS PROJECT WERE TO:

- develop a consultation strategy and carry out consultations;
- develop an engagement strategy to increase engagement of Canadians with disabilities;
- identify issues and considerations for Canadians with disabilities that should be addressed with disability legislation along with concrete and tangible steps for implementation;
- increase collaboration among disability groups;
- produce bilingual written reports;
- develop a dissemination plan and disseminate results and reports among disability groups and Canadians with disabilities.

PROJECT GOVERNANCE

The Spotlight on Invisible Disabilities Project was governed by an Advisory Committee, consisting of six disability organizations and chaired by the National Executive Director of CHHA. The Advisory Committee members represented the three lifestyle transitions of the project and reported to a group of 19 partners speaking out for the various non-visible disabilities addressed in this project including: the mental health community; the deafblind community; those with developmental disabilities, learning disabilities and sensory (hearing and vision) disabilities. Many of these were new partners to CHHA. Based on the partners' interests and needs, hearing disabilities, learning disabilities and mental health challenges were identified as topics for consideration.

The Advisory Committee met two times and held 4 conference calls. Advisory Committee members also participated directly in consultation events.

A full in-person partner meeting was held on July 12, 2017. Quarterly updates were provided to all partners and individual requests for input and clarification were undertaken.

ADVISORY COMMITTEE MEMBERS

Canadian Hard of Hearing Association / National Educational Association of Disabled Students / Royal Canadian Legion / Canadian Council on Rehabilitation and Work / Canadian Mental Health Association / Learning Disabilities Association of Canada

YEAR 2 APPROACH

Year 2 of the Spotlight Project built on the work done over Phase 1, which culminated in a comprehensive report submitted to the Office for Disability Issues in March 2017. In Year 2, the federal government asked funded partners to develop recommended text for federal legislation, as well as develop concrete recommendations, benchmarking and measurable outcomes for potential federal programs aimed at addressing the accessibility gap across Canada.

Building on the work done in Year 1, the Spotlight Project Advisory Committee narrowed down all of the recommendations outlined in the Year 1 Report to a total of five recommendations. The consultations and partner-wide meeting developed these recommendations further by developing concrete plans, benchmarking and measurement tools the federal government could use to implement the recommendations.

AS SUCH, YEAR 2 OF THE SPOTLIGHT PROJECT FOCUSED ON DEVELOPING:

- Recommendations for federal legislation language; and,
- Concrete plans, benchmarking and measurement tools for the federal government to implement the Spotlight Project recommendations, specifically in five priority areas.

YEAR 2 PRIORITY AREAS

These priority areas provided the basis for the Spotlight Project's focus for Year 2 of the consultations. These priority areas are based on Spotlight Project recommendations from Year 1. Through extensive discussions, the Advisory Committee narrowed the 15 recommendations from Year 1 down to the following five recommendations:

(1) Administration, compliance and standards

Establish a body to administer a national accommodation fund for employers and to oversee compliance, monitoring and enforcement, while working with NGOs to develop standards for accessibility and ensure that support follows the individual.

(2) Employment

Improve employment search and retention practices for those with non-visible disabilities

(3) Technology

Enhance accessibility to new technologies, as well as for information and communications.

(4) Barrier-free access

Support barrier-free access to: built environment; education and resource support; program delivery and service; procurement of goods and services; and, transportation.

(5) Public education and outreach

Increase public outreach to expand understanding and acceptance of those with disabilities.

PROJECT ACTIVITIES

ACTIVITIES, THOUGH VARIED IN SIZE, SCOPE, POPULATION CONSULTED, AND FEEDBACK METHOD UTILIZED, FOLLOWED A COMMON FORMAT TO ENSURE RESULTS WERE SPECIFIC, MEASURABLE, AND ACTIONABLE. PROJECT ACTIVITIES INCLUDED:

- Detailed planning by project staff in collaboration with partners;
- Outreach to partner members and communities according to the communication plan;
- Invitation to specific event/consultation sessions;
- Event/consultation (including facilitated webinars, conferences, and online forums);
- Survey circulated to all project partners and subsequently to broader partner membership;
- Feedback collected according to agreed-upon project plan;
- Project staff immediately assessed qualitative and quantitative measures for inclusion in the final reports; and,
- Bilingual reports (Years 1 and 2) written and shared according to the dissemination plan.

PARTNER DELIVERABLES

PARTNERS CONTRIBUTED TO THIS PROJECT IN A VARIETY OF WAYS, INCLUDING:

- Outreach to their members/audiences to encourage participation in consultations;
- Promoted the Spotlight Project through their communication platforms, including website, newsletters, social media etc.
- Coordinated and participated in consultation activities;
- Provided content expertise and technical expertise to the consultations;
- Compiled and provided data to CHHA from activities; and
- Disseminated findings.



CONSULTATIONS

The consultations in Year 2 focused extensively on developing concrete recommendations, benchmarking and measures of success for the federal government. Consultations involved a variety of activities, from an in-person partner meeting to live webcasts to a national survey.

CONSULTATIONS INCLUDED:

- Youth, Employment and Technology seminar, Canadian Hard of Hearing Association's National Conference, Sidney, B.C., May 25, 2017
- Live webcast from the Canadian Hard of Hearing Association's National Conference in Sidney, B.C., May 26, 2017
- Spotlight Project video, recorded at Canadian Hard of Hearing Association's National Conference, Sidney, B.C., May 25-26, 2017
- Spotlight Project Partner meeting, Ottawa, Ontario, July 12, 2017
- Update on Year 2 Webinar, October 4, 2017
- Youth Perspectives: Changing attitudes towards people with non-visible disabilities Live Webcast, November 16, 2017
- Measures of success Webinar, March 7, 2018
- National survey on measuring success, February-March 2018

All consultations were accessible in a variety of ways. Communication Access Realtime Translation (CART) was provided throughout each event. ASL and French translation were also provided on certain events.

DEFINITIONS OF CART AND CAPTIONING

Communication Access Realtime Translation (CART) is a text-only translation of the spoken word of a program or event displayed on a computer, projection screen, monitor or mobile device. For CART service, a certified CART provider listens to speech and simultaneously translates the speech to text. No special software is needed by the consumer when viewing CART streamtext.

Captioning is a service that merges realtime text with a video image to provide a transcription of the audio portion of a program as it occurs, sometimes including descriptions of non-speech elements. When merging text with the video, two or three lines of text are visible either as closed or open captions. The captioned video has display options including monitors, screens, televisions and the internet. Captioning requires an encoder and captioning software.

The consultations engaged presenters and participants in elucidating the contents of federal accessibility legislation, policies and programs the federal government could implement, and how to measure the success of these endeavours. As can be found in the Recommendations section of this report, the consultations brought forward compelling and creative legislative and programmatic approaches to tackling accessibility and promoting inclusivity in Canada.

The approach taken in Year 2 involved a broader focus on qualitative measures to gather data. Due to this focus, more in-depth discussions with smaller groups were warranted, and provided the foundation for the recommendations included in this report.

Presenters and participants also discussed myriad ways the federal government could measure success of federal accessibility legislation and national accessibility initiatives. Presenters in particular spoke to the challenges of measuring success, noting the need for clear data and research to provide benchmarks by which to gauge success. Across all recommendations, the need to continually engage Canadians with non-visible disabilities was emphasized as an important part of ensuring long-term success in both legislation and public/employer-focused initiatives.

The Spotlight Project also worked closely with other federally-funded organizations to explore the topic of administration and compliance. Submissions on behalf of all funded organizations were developed and submitted to the federal government by ARCH Disability Law Centre, Spinal Cord Injury Canada and the Canadian Association of the Deaf.

See Appendices 12 and 13 for the full submissions.

Engagement with the survey was high, with 211 respondents. As is discussed later in this report, the survey explored how to ensure legislative compliance and measure success of federal legislation and other accessibility programs.

See Appendices for detailed reports from each consultation activity.

The big ticket item for youth is accessibility, and having the resources for them to excel. In school, in day to day life, and not just basically creating an equal playing field. Whether it is in the academic area, whether it is in the career, or just the day to day life.

– Jade Coltman, Video transcript

SURVEY RESULTS



The Spotlight Project held an online survey from January 15, to March 7, 2018 with the option available to mail in a printed version of the survey. 211 responses were collected.

See Appendix 9 for the full survey questions.

The goal of the survey was to review current challenges and explore ways the legislation can ensure all Canadians have the resources needed to thrive, while identifying how to best hold the government accountable for clearly measuring successes and improving on existing shortfalls.

In terms of connecting with government on disability and accessibility issues, 66% said they would prefer to communicate with a not-for-profit organization, while 14% said they would prefer to connect with a government agency. 7% preferred to go directly to the Canadian Human Rights Commission, and 5% stated a private corporation would be best equipped to address disability issues.

In terms of creating a new federal organization dedicated to overseeing and monitoring all issues relating to inclusion, respondents were split on what the focus of such an organization would be. 42% preferred an organization relating specifically to their disability, 26% preferred a universal organization covering all disabilities, while 31% said it does not matter.

Respondents were given the opportunity to select which forms of communication they preferred to use when seeking assistance or information from a government agency, with multiple responses accepted. 84% chose email as a primary means of communication, 44% chose online forms, 46% also selected in-person opportunities, while phone, live-chat, texting and mail in forms each received support from a quarter of respondents. 100% of youth respondents (age 18-34) stated that email is one of their preferred forms of communication.

It was also evident that respondents saw a role for government in leading the way on hiring people with disabilities. Specifically, 66% of respondents stated they strongly agreed or agreed that a governing accessibility organization should have a percentage of employees who live with a disability. 18% were neutral, 2% disagreed, and 9% strongly disagreed.

The latter half of the survey focused on monitoring and measuring success of federal legislation and accessibility programs. Here, respondents split over the question of how to monitor compliance with federal legislation. 36% said there should be annual self-assessment on compliance, followed by in-person verification. 34% stated an organization should exist that could issue fines based on non-compliance. 15% said annual self-assessment on compliance would be sufficient, while 15% suggested alternative forms of ensuring compliance such as federal assessments, fines, and more.

A question relating to hearing-related improvements showed 50% of respondents identified that universal CART service at all public events would be the most important improvement the government could make that would improve their experience. 25% stated that looping in public areas of all federal buildings would be the most important improvement, and quiet meeting spaces, online chat functions, and other hearing-related improvements made up the rest of the selections.

Respondents were clear on how they would know accessibility had improved: 68% said they would know accessibility had improved because services were more accessible. 14% said it would be clear that accessibility had improved once public attitudes had changed, 10% stated employers would be better educated, while 6% said that other indicators would show accessibility had improved in Canada.

Lastly, respondents were asked to state what other important change or program the federal government could implement that would have an impact on accessibility. 17% of respondents called for increases in federal funding to support technology use, taxation policies, and accessibility programming. 15% stated that the federal government should invest in public education and increasing awareness. Another 15% focused on hearing loss-related changes, such as CART service or looping improvements.

AS PART OF THE SURVEY, RESPONDENTS WERE INVITED TO PROVIDE NEW IDEAS FOR CHANGES OR PROGRAMS. WHAT FOLLOWS IS A SAMPLING OF THE ANSWERS RECEIVED.

What other important changes or program could the government implement that would have an impact?

More conversations around accessibility for people with disabilities

Include people with disabilities in decision making

More education for employers as to the capabilities of those with disabilities

Promote and create awareness of non-visible disabilities and how accessibility and accommodations will benefit all

An educational campaign that changes perceptions on those living with disabilities

Access to education, flexible work hours to accommodate medical appointments and more subsidies for equipment to do the job.

Improve financial accessibility for assistive aids.

Increase mental health support, funding and direct support

Enforce accessibility standards in customer service and goods and services

Building codes should include accessibility as a normal way of doing things, not as a costly 'add on'

But for those of us with invisible disabilities, being mental health, hearing loss, learning disabilities, and many others, our needs are not being met because they're not visible. But they're every bit as important.

– Lorin MacDonald, Video transcript

RECOMMENDATIONS



RECOMMENDATIONS IN A LEGISLATIVE CONTEXT

An overarching Act protecting the rights of those with disabilities does not yet exist in Canada. Employment and Social Development Canada (ESDC) lists 13 Acts and Regulations relating to disabilities, each with its own standards and regulations. Currently, a person who qualifies for support under one service may at the same time be denied under another. A primary goal of new federal accessibility legislation will be to create definitions and policies that apply throughout federal government activities.

LIMITS OF FEDERAL LEGISLATION

While lawmaking power is divided between the Parliament of Canada and the provinces and territories, the legislation should apply to the federal government, departments, agencies and institutions, crown corporations and other federally-regulated businesses and industries. New accessibility legislation will apply to areas expressly under federal jurisdiction, including banking, broadcasting, telecommunications, and cross-border transportation, federal courts, the Canadian Armed Forces, the Royal Canadian Mounted Police federally regulated employment, federal services and other federal jurisdictions.

It is important to recognize that the federal government can play an expanded role in activities undertaken by provinces and territories in areas in which the federal government provides millions of dollars of funding through the Canada Health and Social Transfer and the Canada Student Loans Program. Provincial and territorial legislation should follow the enactment of strong federal legislation. New legislation should offer incentives for adoption at the provincial/territorial levels as well as support in areas including education, social assistance and municipal government.



PROJECT RECOMMENDATIONS

1. ADMINISTRATION, COMPLIANCE AND STANDARDS

For clarity on powers recommended for a body to oversee implementation and enforcement of new federal accessibility legislation, see ARCH Disability Law Centre, SCI Canada and CAD-ASC submissions (Appendices 12 and 13).

2. EMPLOYMENT

Provide successful and flexible hiring, skills development and retention practices and support for employees with non-visible disabilities to obtain and retain meaningful employment.

Create a national accommodation fund to provide funds to employers for adaptive devices and accommodation needs. Include a federal technology fund for assisted technology in the workplace to ensure technology follows the employee, rather than staying with the employer.

Provide tax benefits to employers who hire and accommodate employees with non-visible disabilities. Change disability tax supports so that recipients can simultaneously enter the workforce.

Develop procurement incentives for government contracts if the vendor hires people with non-visible disabilities.

Create programs to educate employers on the benefits of hiring people with disabilities and the unique abilities of people with disabilities.

Ensure the federal government is leading by example through hiring people with non-visible disabilities; providing accommodation education and training to all federal employees; and involving people with non-visible disabilities in all discussions on policy change to ensure accessibility is appropriate, relevant and built-in from the start.

Require federally-regulated organizations to proactively and transparently provide information on all accommodations available to employees and prospective employees.

3. TECHNOLOGY

Enhance accessibility to new technologies, as well as to information sources and communications.

Ensure legislation is flexible to account for new and emerging technologies.

Provide broad, flexible funding for technology, including funding for technology upgrades. In particular, ensure students and young people have access to technology grants for their full education and when entering the workforce.

Integrate technology into accessible design and building codes for federal and federally-regulated buildings. (Example: Frequency induction loop system)

4. BARRIER-FREE ACCESS

Support barrier-free access to built environment, education and resource supports, program delivery and service, procurement of goods and services, federal elections, federal courts, tribunals and administrative decision making processes, information and telecommunications, and transportation.

Take a proactive approach to accessibility and build it in from the start. (For example, build closed captioning into web-based programs from the beginning, rather than as an add-on or after-thought.)

Focus on specific criteria for contracts and companies to follow relating to hiring people with non-visible disabilities.

Provide and fund universal CART (Communication Access Realtime Translation) accessibility services.

Create or fund mental health apps and live chat coaching systems to support people with non-visible disabilities. Implement live chat on government websites to reduce communication barriers.

Implement audio frequency induction loop system wherever possible and fix existing looping problems in federal buildings.

Modernize the National Building Code to include considerations for visual alarms, low ambient noise, sight lines, looping, etc. Recognize that the National Building Code can set out best practices, particularly as provinces and territories use the Code as the standard for building accessible classrooms, hospitals, etc.

5. PUBLIC EDUCATION AND OUTREACH

Increase public outreach to expand understanding and acceptance of those with disabilities.

Develop educational resources for teachers and educators to use in classrooms throughout primary and secondary education that tackle stigmas around non-visible disabilities. Integrate this material in curricula across provinces and territories.

Develop a national inclusive education policy framework, which the provinces and territories could adopt for education standards.

Reach the broad public sphere with a national campaign to build understanding and reduce stigma around non-visible disabilities, as well as providing encouragement to people with non-visible disabilities.

Use and promote the use of appropriate language around disabilities.

Encourage employers and educators to share their experiences in hiring or working with people with non-visible disabilities.

Invest in employer education campaigns to reduce stigma and raise awareness of diverse employment needs and support.

Develop sensitivity training for all public service employees to understand non-visible disabilities and common support requirements.

MEDIA PARTNERSHIPS:

- Work with traditional and social media organizations and entertainment producers to increase the number and portrayal of people with non-visible disabilities in entertainment programs.
- Work with networks and social media organizations to provide advertisement spots for non-visible disability organizations to showcase their abilities in order to reduce stigma and assumptions around non-visible disabilities.

Seek out public speakers who are people with disabilities (including non-visible) who can represent and carry out public education, and who have the power to make change.

Require regulated and certified professionals to take accessibility training: All organizations that regulate and certify professionals must include a continued education credit for human rights and accessibility training in certification requirements. (For example: Law, Human Resources, Engineers, Technicians, etc.)

RESEARCH AND DATA

Beyond the five priority areas, participants in the Spotlight Project consultations continually raised the need for further research and data. Such information was identified as being central to ensuring programs and policies meet the needs of people with non-visible disabilities, as well as to set out benchmarks by which to measure the success of federal legislation and programs. Research can also provide important insights into health, technology and communication innovations.

Existing research provides a strong foundation on which to build in-depth research projects. For example, recent research into the Disability Tax Credit revealed only 40% of eligible Canadians utilise the credit.⁴ This research showed that a lack of awareness and clarity were central to this low rate, as well as the design of the credit itself. This sets the stage for further research into successful tax credit models, as well as providing a benchmark by which to measure improved uptake.

Additional research done through the Canadian Longitudinal Study on Aging (www.clsa-elcv.ca) provides insight into non-visible disabilities and aging. The research reveals important information about links between disabilities and social isolation, for example.⁵ Here again, the research sets the stage for further exploration, as well as providing central information for both legislative development and benchmarking future program success.

Recommendations around research and data included:

- Invest in research and development of new technology, and how to improve existing technology.
- Invest in health and technology research relating to non-visible disabilities.
- Establish benchmarks to measure progress of legislation, policies and programs. Regularly report against these benchmarks, ensuring reports are publicly available in accessible formats to establish clear accountability.

Creating an Accessible and Inclusive Canada

The consultation also explored the positive effects these changes would have, outlining opportunities to measure success.

If implemented, the changes noted above would:

- (1) Create a more understanding, educated, engaged, and diverse workforce
- (2) Build a stronger and safer workplace environment
- (3) Increase quality of life for people with non-visible disabilities by reducing their reliance on federal supports and ensuring they can be satisfied with their participation in the workforce, connect with peers, and foster better mental health
- (4) Show that change is possible and shift stigma
- (5) Fill labour market gaps
- (6) Provide an investment for the future of Canada, as the workforce and tax base increases

⁴ Dunn, S., and Zwicker, J. "Policy Brief – Why is the uptake of the Disability Tax Credit low in Canada? Exploring barriers to access." The School of Public Policy Publications, University of Calgary. Volume 11:2, January 2018.

⁵ Mick, P., Parfyonov, M., Wittich, W., Phillips, N., and Pichora-Fuller, K. "Associations between sensory loss and social networks, participation, support, and loneliness: Analysis of the Canadian Longitudinal Study on Aging." Canadian Family Physician, Vol 64: January 2018.

APPENDICES



APPENDIX 1: PROJECT PARTNERS

**PROJECT LEAD:
CANADIAN HARD OF HEARING
ASSOCIATION (CHHA)**

**PROJECT MANAGER:
CHRISTIANNE SCHOLFIELD**

ADVISORY COMMITTEE

- CANADIAN COUNCIL ON REHABILITATION AND WORK (CCRW)
- CANADIAN MENTAL HEALTH ASSOCIATION (CMHA)
- LEARNING DISABILITIES ASSOCIATION OF CANADA (LDAC)
- NATIONAL EDUCATIONAL ASSOCIATION OF DISABLED STUDENTS (NEADS)
- ROYAL CANADIAN LEGION (RCL)

PARTNERS

- ARCH DISABILITY LAW CENTRE
- BRAIN INJURY CANADA
- CANADIAN ACADEMY OF AUDIOLOGY
- CANADIAN CENTRE FOR DIVERSITY AND INCLUSION
- CANADIAN DEAFBLIND ASSOCIATION
- CANADIAN HARD OF HEARING FOUNDATION
- CANADIAN NATIONAL SOCIETY OF THE DEAF-BLIND
- COMMUNICAID FOR HEARING IMPAIRED PERSONS
- THE HEARING FOUNDATION OF CANADA
- INCLUSIVE DESIGN RESEARCH CENTRE, OCAD UNIVERSITY
- MENTAL HEALTH COMMISSION OF CANADA
- MEDIA ACCESS CANADA
- NEIL SQUIRE SOCIETY
- SPEECH-LANGUAGE & AUDIOLOGY CANADA (SAC)
- CANADIAN HARD OF HEARING ASSOCIATION BRANCHES AND CHAPTERS

APPENDIX 2: SPOTLIGHT PROJECT RECOMMENDATIONS – YEAR 1

Based on comments submitted by approximately 600 participants in 12 consultations and an online survey, over 300 recommendations were compiled and organized under 15 overall priorities. Consultation participants called for a foundational commitment that ALL Canadians deserve adequate care, support, and financial security. Accessibility supports should be universal with the goal of barrier free access to everyone regardless of their disability. Enacted together, these priorities will provide a broad basis for accessibility support that will lead to the inclusion of all Canadians with disabilities.

1. ESTABLISH AN NGO TO ADMINISTER A NATIONAL ACCOMMODATION FUND FOR EMPLOYERS AND TO OVERSEE A COMPLIANCE, MONITORING AND ENFORCEMENT DEPARTMENT.

The purpose of the National Accommodation Fund is to support hiring people with disabilities and provide education and training to employers on accommodations required for employees. As the governing body, this NGO would establish partnerships across Canada to demonstrate initiatives focused on supportive programming for employment. This will help to change practices and policies in hiring persons with disabilities.

The National Accommodation Fund will provide funding for national non-profit groups with regional expertise to provide their members/clients access to individual employment support services. It is strongly recommended to establish a youth employment program for young people living with invisible disabilities.

The purpose of the Compliance, Monitoring and Enforcement Department is to create an effective and straightforward mechanism that holds federal institutions and agencies accountable for the compliance of legislated accessibility regulations. This enforcing body would take the form of an Accessibility Ombudsman office that oversees compliance and the duty to accommodate.

2. EXPAND DEFINITION OF DISABILITY TO INCLUDE INVISIBLE DISABILITIES

Implement a common definition of disability across all programs and services. Redefine the concept of disability to be inclusive of the term and definition of “invisible disability” to also include autoimmune or neurological disorders that may appear intermittently. Establish clear and universal definitions for the terms “reasonable accommodations” and “undue hardship” if those terms are to be used in the proposed legislation.

3. IMPROVE EMPLOYMENT SEARCH AND RETENTION PRACTICES FOR THOSE WITH INVISIBLE DISABILITIES

Create a harmonized approach to remove barriers to employment existing in current laws, programs and policies by working with other levels of government, unions and employers.

Establish the Duty to Accommodate - mandate federal government employers to accommodate. This will shift corporate culture and improve attitudes. It should include: inclusivity in government job postings and accessible job applications; a disability lens on job performance plans and evaluations; accessibility standards for meetings, interviews, training; tax benefits to employers who accommodate staff with disabilities; improved training and employment programs to help people with invisible disabilities.

4. ENHANCE ACCESSIBILITY TO NEW TECHNOLOGIES

Provide improved financial assistance for devices to enable people with invisible disabilities to use up-to-date technologies.

Initiate a National Adaptive Devices Program to cover at least 80% of the price for assistive technical devices. For example, improving accessibility of hearing aids at affordable prices, similar to the model in the United States where over-the-counter hearing assistive technologies are sold at a fraction of the cost of those that are labelled “hearing aids”.

5. SUPPORT BARRIER-FREE BUILT ENVIRONMENT

Revise the National Building Code of Canada to accommodate people with invisible disabilities. Create workplace standards to reduce barriers to living with invisible disabilities.

Establish a requirement for international access signage in all federal jurisdictions. Set guidelines to reduce environmental barriers such as background noise, sight lines, seating arrangements, distance and sighting levels. Introduce accessibility aids.

6. SUPPORT BARRIER-FREE PROGRAM DELIVERY AND SERVICE

Ensure that federal employees receive training and education to communicate effectively with people living with mental health and invisible disabilities. Reduce paperwork and wait times for disability advocates. The use of text-based communication such as emails, texting and instant chat options on websites is needed to improve communications.

7. ENHANCE ACCESSIBILITY FOR INFORMATION AND COMMUNICATIONS

Improve communication practices in all public service outlets: use standardized, non-stigmatizing language and training for service providers in dealing with individuals with invisible disabilities.

Amend the Telecommunications Act to allow the Canadian Television and Radio Commission (CRTC) to mandate accessible access to communication technologies for persons with disabilities, regulate captioning services for telephones and cellular phones, improve television accessibility with described video and captioning for news and other programs including election coverage.

Improve telephones with greater volume and speech-to-text capability (the relay service and TTY are not sufficient). Allow captioned telephones in Canada. Apply text-based functions to emergency alert systems.

8. EXPAND ACCESSIBILITY FOR THE PROCUREMENT OF GOODS AND SERVICES

Review procurement of federally controlled spending to leverage the availability of accessible products and services as well as ensuring that federal investments in things like infrastructure include accessibility features.

9. SUPPORT BARRIER-FREE TRANSPORTATION

Improve accessibility in transportation outlets and provide employee training. Have visual boards in airports for announcements and standby lists.

10. PROMOTE LANGUAGE EQUALITY

Mandate accessibility aids and services available in both official languages - English and French.

11. ENCOURAGE ADOPTION BY PROVINCIAL/ TERRITORIAL LEGISLATION

Federal legislation should support existing provincial/territorial legislation. Standards should be the same across the federal government and within the provinces and territories. By means of the transfer of funds for health and education, leverage the federal role in postsecondary education and training.

In addition, it would be advised to benchmark best practices from the implementation of provincial/territorial regulations that have established improved accessibility accommodations within their respective jurisdictions.

12. INCREASE EDUCATION TO EXPAND UNDERSTANDING AND ACCEPTANCE OF THOSE WITH DISABILITIES

Provide training on implementing accessibility measures and understanding the unique needs of the group being served such as those working with veterans, youth or seniors, for all levels of services.

Provide all young people access to full integration and learning supports from preschool through university. Increase pedagogical supports and teacher training for students with disabilities.

Develop programs with mandatory inclusivity education to reduce misconceptions about invisible disabilities among coworkers, family, friends and the public.

13. INCREASE RESEARCH TO PROVIDE EVIDENCE BASED SUPPORT FOR NEW INITIATIVES AND PROGRAMS

It is imperative that research be conducted on the status of Canadians living with disabilities, especially as it relates to new technologies, assistance and employment programs to form a basis for new and improved accommodations.

In addition, there is a need to initiate robust research and evaluation of the effectiveness of wage subsidies to lessen the gap in employment rates between Canadians with and without disabilities. For example, this new data will also provide employers with incentives to hire those with disabilities as they offer a higher retention rate.

14. SUPPORT SHOULD FOLLOW THE INDIVIDUAL

Assistive devices and support services should follow the individual through life's transitions from school into the workforce, retirement to healthy aging or service to civilian life.

Set clear policies on expectations and services for institutions to meet the needs of individuals living with a disability.

15. WORK WITH NGOS TO DEVELOP STANDARDS FOR ACCESSIBILITY

In collaboration with existing NGOs, apply disability lens to all federal legislation and protocols to ensure the needs of all those with disabilities are met such as emergency preparedness or natural disasters.

APPENDIX 3:

MAY 26, 2017 WEBCAST SUMMARY

SPOTLIGHT ON INVISIBLE DISABILITIES: CONSULTATION RECOMMENDATIONS

On May 26, 2017, a consultation session was held in Sidney, B.C. for the Spotlight Project on Invisible Disabilities. It was held in conjunction with the Canadian Hard of Hearing Association (CHHA) annual conference, and featured speakers from the CCRW, CHHA, CMHA, Royal Canadian Legion, and NEADS. This session centered on identifying realistic opportunities for the federal government to address accessibility gaps in employment and technology through policy, legislation and programs.

EMPLOYMENT RECOMMENDATIONS

1. FEDERAL LEGISLATION: LEGISLATION SHOULD BE DEVELOPED WITH THE FOLLOWING CONSIDERATIONS:

- Focus on successful hiring and retention practices for employees with invisible disabilities
- Consider both employees and employers
- Ensure employment programs have capacity and skills to address people with invisible disabilities
- Create access to programs that help people with invisible disabilities develop skills in order to obtain and retain meaningful employment
- Recognize need for flexibility in related regulations and policies, based on the fact that no individual will have exactly the same accommodation needs

2. ESTABLISH FEDERAL PROGRAMS FOR EMPLOYEES:

- Provide retention supports and safe spaces for employees to bring forward accommodation needs and be confident these will be addressed
- National Accommodation Fund: this program would provide funds to employers for adaptive devices and create harmonized approach to remove barriers alongside laws and policies
- Include a federal technology fund for assistive technology in the workplace to ensure technology follows individual employees, rather than linking employee-specific technology to a single employer

3. ESTABLISH FEDERAL PROGRAMS FOR EMPLOYERS:

- Provide employer tax benefits to employers who accommodate employees with invisible disabilities
- Implement procurement policies that focus on equitable suppliers
- Create education programs for employers and business students
- Educate on the benefits of hiring people with disabilities (longer retention, etc.) and increase awareness of the unique abilities of people with invisible disabilities
- Educate on safe work practices and involve Workers' Compensation Boards
- Create workplace education campaigns for employers to implement within the workforce to raise awareness of and dispel the stigma around people with invisible disabilities
- Build accessibility into employment conversations from the start – avoid “add-on” components

4. YOUTH EMPLOYMENT:

- Equip teachers and guidance counselors to have skills to properly coach students and explore real job opportunities
- Encourage young people through education and supports so they can envision the possibilities

5. DISABILITY TAX CREDIT AND INCOME SUPPORTS:

- Simplify application process and expand eligibility to clearly include people with invisible disabilities
- Change regulations around disability tax supports so recipients can simultaneously enter the workforce

6. BENCHMARKING AND RESEARCH:

- Undertake federal research on how wage subsidies, job coaching, support from agencies, and other incentives can increase effectiveness of employers hiring people with invisible disabilities
- Regularly collect data on people with invisible disabilities on employment and technology use to set as benchmark for program and policy improvements

7. LEAD BY EXAMPLE: THE FEDERAL GOVERNMENT COULD TAKE THE LEAD ON IMPLEMENTING SUCH POLICIES BY:

- Hiring people with invisible disabilities
- Providing accommodation education to all federal employees
- Training and educating federal employees about how to communicate with people who have invisible disabilities
- Involve people with invisible disabilities in all policy change to ensure accessibility is part of it from the start

Veterans Affairs: Leading by Example

As the panel discussed, helpful models do exist. For example, Budget 2017 announced new, innovative initiatives to help veterans be more employable and ensure that transition employment services are readily available. Helpful aspects of this initiative include:

- Expanding eligibility
- Removing time limits
- Simplifying the application process
- Establishing qualified career counsellors who understand military life and culture

TECHNOLOGY AND COMMUNICATIONS RECOMMENDATIONS

1. CHANGING NATURE OF TECHNOLOGY: TECHNOLOGY CHANGES QUICKLY. AS A RESULT, THE FEDERAL GOVERNMENT SHOULD:

- Ensure legislation is flexible to account for new and emerging technologies
- Ensure students have access to technology grants right up until the end of their education
 - Remove age limits on student technology grants, recognizing that it can take students with invisible disabilities longer to complete their education

2. TECHNOLOGY AND EMPLOYMENT

- Education: Provide resources so employers are aware of existing technology and how to use it
- Resources: Ensure employers are able to implement assistive technology and updates to technology

3. COMMUNICATIONS:

- Recognize ASL/LSQ as official languages
- Ensure proper supports and training for ASL/LSQ interpreters
 - Hire Canadian interpreters/captioners
 - Ensure proper supports and training for CART/caption writers
 - Create a loan forgiveness program for people who take captioning/interpreter training (in partnership with the provinces and territories)

4. FUNDING AND PROGRAMS:

- Create a National Assistive Device Program that funds 80% of the price of assistive devices and provides ongoing financial support for maintaining and updating technology
- Fund e-mental health apps and live chat/over-the-phone coaching systems as support for people with invisible disabilities
 - Apps and other similar systems provide immediate support
- Implement live chat on federal government websites to reduce communication barriers
- Invest in research and development on new technology and how to improve existing technology
- Implement audio frequency induction loop system wherever possible
 - Fix existing problems in buildings (i.e., electrical issues and ground loops)
 - Develop legislation that requires hearing aid dispensers to explain about telecoils (T-coils) and to include a functioning loop system in each location

Creating an Accessible and Inclusive Canada

The consultation also explored the positive effects these changes would have, outlining opportunities to measure success.

If implemented, the changes noted above would:

- (1) Create a more understanding, educated, engaged, and diverse workforce
- (2) Build a stronger and safer workplace environment
- (3) Increase quality of life for people with invisible disabilities by reducing their reliance on federal supports and ensuring they can be satisfied with their participation in the workforce, connect with peers, and foster better mental health
- (4) Show that change is possible and shift stigma
- (5) Fill labour market gaps
- (6) Provide an investment for the future of Canada, as the workforce and tax base increases
- (7) Lead to a nation-wide cultural shift

APPENDIX 4:

MAY 25, 2017: YOUTH AND TECHNOLOGY

RECOMMENDATIONS FROM THE CANADIAN HARD OF HEARING ASSOCIATION'S YOUNG ADULT NETWORK

On May 25, 2017, the Young Adult Network of the Canadian Hard of Hearing Association held a panel discussing the past, present and future of technology and invisible disabilities (specifically, hearing loss). The youth panelists shared their experiences of using technology supports, noting the leaps and bounds that have been made since they began using technology as young children. They shared many examples of new technologies, making references to cochlear implants with Bluetooth technology, middle ear implants, improved hearing aids, and wireless technologies—all of which have allowed these youth to engage in society in ways previously unimaginable.

What follows are recommendations for the federal government that emerged from the youth panel and a subsequent question and answer period.

RECOMMENDATIONS

1. FUNDING:

Successful funding programs proved key for the panelists in terms of being able access, afford and use new technologies. Further recommendations include:

- Ensure funding for technology support extends beyond teenage years to include post-secondary education and employment training
 - Provide full funding for Labour Market Agreements for Persons with Disabilities programs, including technological aids
 - Expand insurance programs to include coverage for broader technologies beyond hearing aids
- Invest in broad funding for technology, recognizing diverse needs of people with invisible disabilities and the range of technologies available to meet these needs
- Include funding for technology upgrades in technology support funding programs

2. RESEARCH

- Invest in health and technology research related to invisible disabilities (for example, research on stem cells and growing cochlea hairs)

3. ACCESS AND HEALTHCARE

- Ensure access to and consistency in medical testing for children with invisible disabilities

4. PUBLIC EDUCATION AND PROGRAMMING:

The panelists spoke to the stigma they experienced, particularly in primary and secondary education, around using technology in the classroom as well as the need for increased awareness in the workplace. Recommendations include:

- Invest in broad public education, particularly aimed at children and youth, to reduce the stigma associated with invisible disabilities
- Invest in employer education campaigns to reduce stigma for employees with disabilities while also raising awareness of diverse employee needs and support
- Connect advances in technology with government programs and policies: ensure a nimble, strong link between government initiatives, emerging technology and the people who use the technologies
- Integrate technology into accessible design and building codes, particularly schools and universities

Successful federal government funding programs

Several panelists raised examples of government funding programs that provided significant help, particularly in terms of funding for new technologies. These programs include:

- Joint provincial/federal subsidy programs for cochlear implants
- Canada Study Grant
- Labour Market Agreements for People

PUBLIC EDUCATION INITIATIVES

In separate interviews held at the Canadian Hard of Hearing Association's annual conference from May 25-27, 2017, participants identified recommendations and opportunities for the federal government to invest in public education programs and initiatives aimed at changing attitudes to build a more inclusive Canada.

RECOMMENDATIONS

1. PUBLIC AWARENESS CAMPAIGNS:

Reach broad public sphere with national campaign, aiming to:

- Build understanding and empathy for people with invisible disabilities
- Build understanding of capabilities and abilities of people with invisible disabilities
- Reduce stigma around invisible disabilities
- Provide encouragement to people with invisible disabilities, and remove the fear of discrimination for people with invisible disabilities

2. EDUCATION AWARENESS CAMPAIGNS:

Develop educational resources for teachers and educators to use in classrooms throughout primary and secondary education that tackle stigmas around invisible disabilities.

3. SENSITIVITY TRAINING PROGRAMS:

Develop sensitivity training programs for all public service employees to understand invisible disabilities and common needs/support required, so as to ensure people with invisible disabilities are assisted easily and accessibly.

4. MEDIA PARTNERSHIPS:

- Work with traditional and social media organizations and entertainment producers to increase the number and portrayal of people with invisible disabilities in entertainment programs.
- Work with networks and social media organizations to provide advertisement spots for invisible disability organizations to showcase their abilities in order to reduce stigma and assumptions around invisible disabilities.

APPENDIX 5: SPOTLIGHT ON INVISIBLE DISABILITIES PROJECT: PARTNER CONSULTATION RECOMMENDATIONS

On July 12, 2017, an all-day consultation session was held in Ottawa, ON, for the Spotlight Project on Invisible Disabilities. This consultation featured representation from 17 of the project’s partners representing the interests of close to 9 million Canadians with non-visible disabilities. This session centered on identifying realistic opportunities for the federal government to address accessibility gaps in barrier-free access and public education through policy, legislation and programs.

OVERARCHING ISSUES

Each development stage of the legislation be vetted by committees from NGOs, civil society and the end user in an official capacity. Pilot studies should be undertaken to see what works and what does not.

Partners expressed concern that the government may not place enough importance or consideration on the recommendations formed by such consultations and need them to understand the impact that these independent discussions have on the future of those living with disabilities, especially non-visible disabilities

An intersectional approach to education is recommended, as people with disabilities don’t necessarily fall only in one equity group, e.g.: a person of colour, who is a woman who also has a disability. Using an intersectional approach takes into account that the different equity seeking aspects of identities intersect and create different experiences for people with multiple challenges in our society.

The creation of a national data base and resource bank for resources, curriculums and programming so that people can easily find them all in one place and organizations with similar programming can avoid duplication or exhausting resources.

Due to a scarcity of research and development, there are no baseline measures. Evidenced based research is needed to support program and development. Supporting measurement of improvements and continued programming and resources are required. Organizations also need clear measures of what they are trying to achieve.

Each priority area was examined and subsequent recommendations were analyzed and grouped according to significance. Low-hanging fruit: opportunities that can be undertaken immediately vs major long-term impact: opportunities that can be implemented in the long-term.

BARRIER-FREE ACCESS

Support barrier-free access to: built environment; education and resource support; program delivery and service; procurement of goods and services; and, transportation.

Legislation should be developed with the following considerations:

LOW HANGING FRUIT

Strings attached procurement/supplier diversity

Focus on specific criteria for contracts and companies to follow relating to hiring people with non-visible disabilities.

Identify champions for accessibility

Select individuals to work both in government and privately that have the power to make change.

Self-Advocacy training

Introduce training for individuals with non-visible disabilities to self-advocate, especially at an early age.

Federal sovereign over legislation

Set the priorities for the provinces/territories through this legislation and funding attributed to each priority. Set benchmarking and reporting on meeting benchmarking requirements to measure progressive realization of the priorities. Make reported information publicly available in accessible formats to ensure accountability to persons with disabilities and all Canadians.

Multi-modal approach to communication technology*

Provide and fund universal CART accessibility services

Disclose available accommodations

Require federally regulated organizations to pro-actively provide information on all accommodations available to employees. The information should be delivered regularly and in multiple formats.

LONG-TERM IMPACT

All-encompassing Disability Insurance (EAP)

Establish a broader definition of disabled, to include non-visible disabilities, developmental and episodic disabilities.

Workplace Sensitivity Training

Introduce human rights and sensitivity training for workers to have a universal language around individual disability.

Barrier-free physical/environmental access

Include new building codes, including the retrofitting of older buildings. The building environment needs to be considered. Visual alarms, low ambient noise, sight lines are understood and created.

Well-funded accommodations (low-hanging fruit and long-term impact)

Identify priorities in accommodations to make services and systems accessible.

Define Access

A need to understand the tension of multiple pathways for barrier-free environments. Access should include human rights concepts such as: access must be provided in the most dignified and appropriate way possible; organizations must take proactive measures to remove systemic barriers as well as provide individual accommodations.

Research and Development for Communications Technology

For instance, the CRTC went ahead with a video relay service that potentially benefit 40,000 to 50,000 signing deaf people whereas caption telephones are something that could benefit approximately 3 million people with hearing loss in Canada.

Streamlining service access

Centralized access as opposed to all the individual provinces/territories running in their own direction. This is especially challenging in the province of Quebec.

Accessible recruiting systems

Employment equity should cover accessible applicant tracking systems or hiring systems where people apply for jobs.

Pay Equity

People with disabilities must be paid the same wages as someone who does not live with a disability.

*From the above listed recommendations for barrier-free access, a few areas were selected to conduct a more robust discussion**

MULTI-MODAL APPROACH TO COMMUNICATION TECHNOLOGY*

- Provide and fund universal CART services and fund captioning telephones. <http://www.crtc.gc.ca/eng/publications/reports/rp130213.htm>
- Amend key legislation in telecommunications act so that the CRTC mandate can be broader.
- Create regulations around communication and accessible formats and giving incentives to broadcasters.

DISCLOSE AVAILABLE ACCOMMODATIONS

- Require federally regulated organizations to pro-actively provide information on all accommodations available to employees.
- Provide changes and updates regularly and in multiple formats.

WELL-FUNDED ACCOMMODATIONS (low-hanging fruit and long-term impact)

- Identify priorities in accommodations to make services and systems accessible.
- Establish a national accommodation fund by streamlining the current funding that is out there for employers to accommodate their employees right now.
- Create two financial incentive or financial pools. One for tax incentives for the larger organizations to reach a standard of accessibility and the other would be a pool of funds for smaller employers and non-profit organizations to create better accessibility depending on size of the organization, the financial structure would apply different mechanisms to fund accordingly.
- All organizations covered by the legislation required to meet a minimum standard of all types of accessibility.
- Create two financial incentive or financial pools; one for tax incentives for the larger organizations to reach a standard of accessibility and the other would be a pool of funds for smaller employers and non-profit organizations to create better accessibility depending on size of the organization; the financial structure would apply different mechanisms to the funds accordingly.
- All organizations covered by the legislation required to meet a minimum standard of all types of accessibility.

WORKPLACE SENSITIVITY TRAINING

- Introduce human rights and sensitivity training for workers to have a universal language around individual disability. Multi-dimensional training and resources for government employees or federally regulated employees to feel prepared and aware of non-visible disabilities.
- Provide instructors to carry-out training to employers at no cost.
- Create an eLearning module that could be rolled out to employees free through the Government of Canada website
- Require evidence from federally regulated employers on training completion rates.

- Lead human rights and sensitivity training with “it’s ok to ask”, offer assistance and ask what is needed.
- Develop an HR Specialist designation that would have mandatory licensing, much like Canadian Human Resources Professionals (CHRP) where you may have to regularly go back and refresh your knowledge about all the various accommodations available
- Form an incentivized rating system for organizations that adopt this. Ex: Canada’s 50 Best Employers. A certified logo that would be used on websites, door entrances etc.
- Develop centralized curriculum and use a “train the trainer” approach and ensure that it includes persons with disabilities as champions and lived experience examples.
- Test employees to evaluate the system to see whether human rights and sensitivity training has happened.
- Build accessibility education into all school curricula across Canada
- Include accessibility training for those who serve the public in any capacity, including continued education for professional certification

IN THIS CONSULTATION EXERCISE, SPECIFIC QUESTIONS WERE ADDRESSED:

What does the government need to do to make this happen?

- Create a Centre of Accessibility Excellence, ombudsman or commission to allow for a mechanism to file complaints.

What structure, resources and authority measures are needed:

- Create a structure that is different than the Human Rights Commission that covers all matters relating solely on accessibility, including built environment and employment.
- Create an authority to go to file complaints: such as an accessibility commission or ombudsman organization to act as watchdog to the government and federally regulated employers. Where employees, individuals, the public, dealing with lack of accessibility or employee working for an organization having problems getting accommodation could go for assistance.
- Integrate systems and processes that do not have much complexity or lengthy response times.
- Create a Centre of Accessibility Excellence (including a Recognition program) to help employers in a number of ways: providing templates, providing training, providing resources, creating networks for sharing best practices and providing recognition.
- Educate people to understand the role of the new structure (commission/ombudsman)

What would the impact be if these concrete measures were implemented by the federal government?

- More people would understand that they have a condition that is considered a disability and that supports are available. It would reduce stigma.

PUBLIC EDUCATION AND OUTREACH

Increase public outreach to expand understanding and acceptance of those with disabilities. Legislation should be developed with the following considerations:

LOW HANGING FRUIT

Change the language around disability*

Consult impacted communities and focus on inclusive language and best practices. These would be updated as standards of change, as language is constantly in flux.

Identify Champions

Seek out public speakers who are people with disabilities (including non-visible) that represent and carry out public education.

National PSA and ad program, awareness around non-visible disabilities and through a multi-media platform (implement in the short and long-term)

Create an Ad campaign for the general public and one specific to children/youth. The campaign should include messages of inclusion, not differences, but still highlight uniqueness. The campaign should be based on research mixed with stories. Officially recognize October as National Disability Awareness Month.

Employers tasked to educate other employers

Employers are needed to do public education for other employers. Messages such as, “it is not a pity hire!” to understand the diversity of disabilities, to change the lens disabilities are view through, and the resources from both the supply side (which focuses on people with disabilities, job seekers with disabilities, or employees with disabilities) as well as the demand side (which includes the employer and industry).

Transparency in the system Re: Access to services

Need transparency in the system to educate people about access to services. How to go about getting what you need.

Build awareness in every stage and area of life

From cradle to grave - elementary school, high school, post-secondary, community centres, workplace, retirement living etc.

LONG TERM IMPACT

Gold standard / Regulated and certified professionals to take accessibility training*

All organizations that regulate and certify professionals to include in certification requirements a continued education credit for human rights and accessibility training: Law, Human Resources, Engineers, Technicians etc. Integrate gold standards that could be various designations across different industries.

Add accessibility information to Canadian citizenship and newcomer testing

Adding human rights and accessibility information to Canadian citizenship testing and newcomer information that is provided to all new people coming into the country.

Provincial/Territorial governments to integrate inclusion in curricula*

Ensure that funds that are transferred to the provinces/territories related to education are tied to including diversity, accessibility and inclusive education in their curricula.

Education that is created for people who serve the public in any type of capacity.

Employment campaign that demonstrates the value and benefits of diverse and inclusive and accessible workforce.

National PSA program, awareness around non-visible disabilities and through a multi-media platform

(this should be implemented in the short and long-term) PSA needs to be long-term and varied in strategy, mixing up and renewing content.

*From the above listed recommendations for barrier-free access, a few areas were selected to conduct a more robust discussion**

CHANGE THE LANGUAGE AROUND DISABILITY*

Change the language around disability, marginalized groups reclaiming a part in the language. Disability crosses other groups, so new immigrants, LGBTQ, 2IS, Indigenous peoples and having same cultural inclusion around disability.

Incorporate Article 6 of the Convention on the Rights of Persons with Disabilities, which requires states to take steps to address the unique discrimination faced by women and girls with disabilities. In the same vein, the federal accessibility legislation should recognize the unique barriers to accessibility faced by women and girls with disabilities, and should ensure that any accessibility requirements pay special attention to removing these barriers.

TERM INVISIBLE DISABILITY

Language is powerful. The term “non-visible” disability vs. invisible disability resonated better with the partners, especially if it creates discomfort to those most affected. With this said, some like the term “invisible” from a marketing perspective as it would create an excellent brand for a broader public awareness campaign.

NATIONAL AWARENESS CAMPAIGN

- Include non-visible disabilities in the multi-media awareness campaign.
- Ensure that those with disabilities, including non-visible disabilities, are included in the process of creating PSAs and advertising. – Nothing about us without us tactic.
- Hire an independent professional advertising agency outside of the Government of Canada.
- Allocate federal funding for a National PSA program; to create it, roll it out and put it to broadcast.
- Fund campaigns at the regional and local levels to ensure that it is adapted in different localities around the country.
- Campaign advertising at sporting events, ads on closed circuit television monitors and stores, bars and restaurants. Could be ticker tapes rolling at bottom of all screens.
- Officially recognize October as National Disability Employment Awareness month. Leverage and benchmark with US initiatives.
- Encourage corporate sponsorship. Highlight theme months for different disabilities.
- Fund television and radio broadcasts to be placed in prime-time slots

“If we are looking for shifts in cultural understanding and belief about the invisibility of disabilities, change happens when youth buy into and understand the issues.”

Spotlight Project partner representative

YOUTH AWARENESS CAMPAIGN

- Develop a national youth council on non-visible disabilities to promote inclusive attitudes (ex: pink shirt campaign around bullying). Allows young people to have a voice.
- Identify a national spokesperson (s) and then have young people represented through a social media campaign (Instagram, YouTube, snapchat) Need dedicated experts in social media that can communicate on those different platforms to that young demographic. Reduce stigma by storytelling and champions.
- Educate primary kids by doing presentations in the gyms and continue on through the levels of education.
- Children’s programming offered in after-school time slots
- Identify special attractions to highlight disabilities, Children’s TV programs, museums etc.?

A good example of shift in behavior and learning is the whole campaign around recycling and reusing. Children are more educated about their environment more than ever before due to public education campaigns.

“We need both the stories and the research to make this real and to influence change and to provide the foundation for designing programs and the indicators of success.”

Spotlight Project partner representative

PROVINCIAL/TERRITORIAL GOVERNMENTS TO INTEGRATE INCLUSION IN CURRICULA*

Train teachers and administrators and school boards on accessibility and inclusion

- Build accessibility education into all school curricula across Canada.
- Train teachers and administrators and school boards to change perceptions with those that have greatest impact on children is key.
- Provide models and support for teachers.
- Ensure that funded national research and programming are disseminated through the provincial/territorial educational systems. Ex: <http://www.sac-oac.ca/sac-work/classroom-acoustics>
- Deconstruct the segregated classrooms into inclusive classrooms in order for children to see children with disabilities performing alongside them and experience first-hand exposure. The federal government must create a national action plan on inclusive education, including benchmarks that provinces and territories must meet. Reporting data on meeting these benchmarks should be made publicly available in accessible formats.

- The federal government’s national action plan should refer to and incorporate Article 24 of the Convention on the Rights of Persons with Disabilities and the General Comment on Article 24.
- The federal government’s national action plan on inclusive education should mandate the use of Include Universal Design for Learning, an approach to accessibility that mandates that learning environments, teaching strategies and course materials should be designed to be accessible to the maximum number of people from the outset, so that accommodation or other post-hoc adjustments to the learning environment are minimized.
- The federal government’s national action plan on inclusive education should also address benchmarks on the following issues:
 - the need to ensure that appropriate accommodations are available for individual students with disabilities
 - Exclusion of students with disabilities from schools’ due to their disability-related behaviors
 - The prevalence of segregated classrooms
 - Barriers resulting from collective agreements
- Consultations should be held to determine what additional key issues should be addressed in a national action plan on inclusive education
- Acquire provincial and territorial buy-ins to ensure that research and consultation, curriculum and development are evaluated and tracked to monitor behavioral change to measure culture change improvement.
- Mandate provincial/territorial governments to include diversity and inclusion in the educational system so that the language changes as they grow and ultimately, they start correcting their parents and the stigmas become normalized.

GOLD STANDARD / REGULATED AND CERTIFIED PROFESSIONALS TO TAKE ACCESSIBILITY TRAINING*

- Provide direction to the regulatory bodies of professionals to ensure that information is integrated into certification processes through different areas depending on the amount of authority that the government has over some of these organizations.
- Provide incentives for the regulated professionals. Providing free training for the associations to use to include in professional development credits and also creating some kind of recollect certification, Gold star programs to create incentive.

EDUCATE EMPLOYERS / DEFINE RETENTION

- Conduct research and review financial incentives for employers to hire and retain employees, especially wage subsidies. Insure that employers are supported in the process.
- Define retention to measure results. - Does retention mean that you are kept in a job or can it also mean that someone with a disability is able to get promoted or retain their benefits when they leave the job.
- Fund an ROI Study on inclusion mechanisms, such as cost reductions in medical, benefits and WSIB. Show them the benefits of hiring those with disabilities. Show them the money!
- Invest in research and development in technology used by employers for accommodations to make it easier for them to be accommodative and people to be accommodated. Research and ROI studies are what is necessary to change the employer’s mindset on hiring and retaining those with disabilities.
- A study from Aon Hewitt in 2010 said that every disability employee cost your organization 10,000 per year, so you can quantify the impact of inclusion and good robust research to back this up. http://www.aon.com/attachments/thought-leadership/Trends_Global_Employee_Engagement_Final.pdf
- Organizational and business leaders are incentivized to do their work above the understanding of inclusion. They need to meet their numbers, so it’s to incentivize them by showing them the return on investment. An example of a successful mechanism is the Deloitte inclusion maturity model which actually links the impact of increasing diversity and inclusion to employee engagement in terms of quantifying it. Research is available on turnover, on customer satisfaction on productivity etc. <https://www2.deloitte.com/global/en/pages/human-capital/articles/diversity-to-inclusion.html>
- Create short, simple, “how to” instructions in plain language

EMPLOYEES

- Education for people who serve the public in any capacity
- Train and manage expectations of what people with disabilities can do on both ends of the spectrum. People who are very capable and people who have limited abilities.
- Provide a two-pronged approach to support job seekers with resources to empower them so they know their rights and what is available for the employer to have in-house.
- Create training modules that you can mix and combine so that people who need integrated approaches can create them and pull from a building block perspective.

“Develop a user committee, find your champions, hire some staff, fund it and just do it!”

Spotlight Project partner representative

WHAT DOES THE FEDERAL GOVERNMENT NEED TO MAKE THIS HAPPEN, BOTH IN THE SHORT AND LONG TERM?

- Change the language of the legislation to reflect above-mentioned measures.
- Mandate through legislation to provide funding or incentives to help implement the process effectively.
- In consultation with the user communities, provide broad universal documents and templates for organizations to use to create a training program.
- Provide funding where there is matched funding models and opportunities of that nature and to really sell the social responsibility benefits that corporate Canada can gain from this.

In this consultation exercise, specific questions were addressed:

What structure, resources and authority measures are needed:

The enforcement of such a legislation defines how it will succeed. Currently under the AODA in Ontario, the enforcement piece has not been presented well as it has been 12 years since AODA came into force and we have not heard one enforcement or fine since. The only way a legislation will work is if zero tolerance is given for non-compliance.

What would the impact be if these concrete measures were implemented by the federal government?

Increased awareness/knowledge, shift in attitude and some behavioral change.

---Measure can be made through hospital records with numbers representing preventable errors cross referenced with communication difficulties and see that it has decreased. There is a standard that is already out there and so once this is implemented, then we can see that it works because the number would go down. There was a study published in the Canadian Mental... Study of 2,000 Medical records in a Montreal hospital that identified people who had some form of communication barrier, whether it be hearing loss, speech or language barriers and they compared that to the number of preventable medical errors and they were significantly related. If we improve the way we manage people who have difficulties with communication, in the healthcare system then we can by inference, reduce the number of preventable medical errors. <https://canadianaudiology.ca/professional-resources/guidelines-and-position-statements/>

ARTICLES OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES THAT ARE RELEVANT TO THE NEW PROPOSED FEDERAL ACCESSIBILITY LEGISLATION.

The following information/points were provided by the ARCH Disability Law Centre.

The legislation should incorporate articles of the Convention on the Rights of Persons with Disabilities that are relevant, including:

- Article 4, Subsections 1 (f), (g), (h), and (i) Subsection 1(f) which requires states to “undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2” of the Convention, requiring the minimum possible adaptation and the least cost to meet specific disability-related needs, to promote their availability and use, and to promote universal design in the development of standards and guidelines. Subsection 1(g) which requires states to “undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost”. Subsection 1(h) which requires states to “provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities”. Subsection 1(i) which requires states to “promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention so as to better provide the assistance and services guaranteed by those rights”.
- Article 9, which addresses accessibility. Most, if not all, of the requirements set out in Article 9 should be adopted into the federal accessibility legislation.
- Article 13, which addresses access to justice and requires states to ensure that persons with disabilities have equal and effective access to justice. The federal accessibility legislation should ensure that federal courts, tribunals and other administrative decision-making mechanisms are fully accessible to persons with disabilities. This would include requirements for federal courts and tribunals to provide procedural and age-appropriate accommodations during all stages of legal proceedings including investigative and other preliminary stages. The federal accessibility legislation should create accessibility training requirements for federal court and tribunal staff, adjudicators, and judges.
- Article 20, which addresses personal mobility for persons with disabilities. The federal accessibility legislation should ensure that federally regulated transportation is fully accessible for persons with disabilities. This should include requirements for transportation services staff to be trained in accessibility. It should also include facilitating transportation in the manner and time of choice of the person with a disability, and at affordable cost.
- Article 21, which addresses freedom of expression and access to information. The federal accessibility legislation should ensure that the Federal Government and federally-regulated service providers, employers and other entities provide information in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost. The federal accessibility legislation should require the Federal Government and federally-regulated service providers, employers and other entities to accept and facilitate the use of sign languages, Braille, augmentative and alternative communication and other accessible forms of communication. The federal accessibility legislation should require internet-based services and information to be provided in accessible formats for persons with disabilities.
- Article 27, which recognizes the right of persons with disabilities to work on an equal basis as others. The federal accessibility legislation should obligate the Government of Canada and other federally-regulated employers to ensure that all aspects of employment are accessible, including recruitment, hiring, employment conditions, career advancement and retention. Careful attention must be paid to ensure that the federal accessibility legislation works in tandem with existing federal legislation, such as the Canadian Human Rights Act, Employment Equity Act, and other relevant laws. Substantial consultation with the Canadian Human Rights Commission is required.
- Article 27 also provides for effective access to technical and vocational training, placement services, and the promotion of self-employment and entrepreneurship, all of which should be considered for inclusion in the federal accessibility legislation.
- Article 28, which addresses adequate social protection for persons with disabilities. The federal accessibility legislation should ensure that Canada’s existing income support and social security programs are fully accessible to persons with disabilities, including application and appeal procedures. The federal accessibility legislation should require the Government of Canada to develop a national action plan that addresses poverty reduction for persons with disabilities. This plan should address access to adequate food, clothing and clean water; access to appropriate and affordable disability services, assistive devices and other disability-related needs; and access to affordable, accessible housing. This plan must include goals, concrete ways of measuring goal attainment, and timelines for doing so.
- Article 29, which addresses participation in public and political life. The federal accessibility legislation should ensure that federal voting procedures, facilities and materials are fully accessible to all persons with disabilities. Attention must be paid to accommodate persons with various disabilities, including providing plain language voting information for persons labelled with intellectual disabilities and ensuring that voting procedures can accommodate augmentative and alternative communication. The federal accessibility legislation should ensure that all-candidates meetings and other election-related events are fully accessible

for persons with disabilities. The federal accessibility legislation should ensure that persons with disabilities have equal access to running as political candidates, including access to funding to off-set the costs of disability-related campaign and accommodation expenses.

- Article 30, which addresses participating in cultural life, recreation, leisure and sport. The federal accessibility legislation should ensure that persons with disabilities enjoy access to federally-regulated television, radio and telecommunications. The federal accessibility legislation should ensure that all federally-regulated museums, galleries, libraries, national parks and other cultural sites and services are fully accessible to persons with disabilities. This includes provisions to ensure that laws protecting intellectual property rights do not constitute an unreasonable barrier to access by persons with disabilities to cultural materials. The federal accessibility legislation should ensure that national sport programs are fully accessible to persons with disabilities.
- Article 31, which addresses statistics and data collection. The federal accessibility legislation should ensure that any public statistics and data which the Government of Canada collects are fully accessible to persons with disabilities. The federal accessibility legislation should provide that statistics and data will be collected and used to help assess the implementation of the obligations under the legislation, and to identify and address barriers faced by persons with disabilities.
- Article 32, which addresses international cooperation. The federal accessibility legislation should ensure that Canada's international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities.

PARTNERS INVOLVED IN THE DEVELOPMENT OF THIS REPORT:

- National Educational Association of Disabled Students (NEADS)
- Royal Canadian Legion
- Neil Squire Society
- Canadian Centre for Diversity and Inclusion
- ARCH Disability Law Centre
- Canadian Hard of Hearing Association
- Speech Language & Audiology Canada
- Canadian Council on Rehabilitation and Work (CCRW)
- Hearing Foundation of Canada
- Canadian Mental Health Association
- Media Access Canada
- Inclusive Design Research Centre (IDRC)
- Communicaid for Hearing Impaired Persons (CHIP)
- Canadian Academy of Audiology (CAA)

APPENDIX 6: OCTOBER 4, 2017 WEBINAR - SUMMARY

On October 4, 2017, the Spotlight Project held an hour-long webinar. This webinar provided an update on the Spotlight Project, an update from the Government of Canada, and presentations from two Spotlight Project partners outlining their recommendations for administration and compliance and for employment.

LORIN MACDONALD, CANADIAN HARD OF HEARING ASSOCIATION

Lorin MacDonald, President of the Board of the Canadian Hard of Hearing Association, outlined the current status of the Spotlight Project and set out the next steps forward. She noted the importance of webinars and the consultations as a whole, highlighting how participation from Spotlight Project partner members is key to ensuring the project provides a robust report back to the federal government.

MICHELLE DEMERY, GOVERNMENT OF CANADA

Michelle Demery, Director of Accessibility Implementation at Employment and Social Development Canada in the Accessibility Secretariat, spoke to the progress the government has made in developing federal accessibility legislation.

KERRI JOFFE, ARCH DISABILITY LAW CENTRE

Kerri Joffe from the ARCH Disability Law Centre outlined the ways in which federal legislation can incorporate a rights-based approach. In particular, she spoke to three ways that rights-based principles and approaches can be incorporated into monitoring and enforcing the new law:

- (1) Proactive implementation and enforcement: the Government of Canada should actively take steps to ensure that private and public organizations achieve the accessibility goals outlined in the legislation. This includes setting benchmarks and targets for organizations to meet, continuing public education campaigns, and specifically outlining goals and collecting data on accessibility.
- (2) Any enforcement and implementation mechanisms must include persons with disabilities and their representative organizations.
- (3) The Government should designate an administrative tribunal to hear and decide complaints about non-compliance with the law. This tribunal should have expertise in disability, accessibility and human rights and equality rights laws. Further, the tribunal must have staff including mediators, investigators and adjudicators who are knowledgeable and skilled in human rights and equality rights laws and the provision of accommodation to persons with disabilities.

Kerri also spoke to the implementation challenges that followed the Government of Ontario's implementation of disability legislation. The Accessibility for Ontarians with Disabilities Act (AODA) was passed in 2005, and included voluntary compliance and reporting from employers. However, as Kerri noted, the voluntary nature of both compliance and reporting has not led to wide-scale improvements. Rather, in 2015, 65% of businesses had not filed their 2012 accessibility reports. As such, Kerri stated that any federal legislation should include active and pro-active implementation and enforcement, to ensure improvements are made.

MAUREEN HAAN, CANADIAN COUNCIL ON REHABILITATION AND WORK

Maureen Haan from the Canadian Council on Rehabilitation and Work spoke to several ways in which federal legislation should address employment. This includes the following considerations:

- (1) Include a focus on successful hiring and retention practices for employees with invisible disabilities.
- (2) Ensure employment programs have capacity and skills to address and support people with invisible disabilities.
- (3) Create access to programs that help people with invisible disabilities to develop skills in order to retain and obtain meaningful employment.
- (4) Recognize the needs of flexibility in regulated regulations and policies.

Maureen also spoke about several programs the government should implement that would directly help employees with invisible disabilities. This includes:

- (1) First, providing retention support and safe spaces for employees to bring forward accommodation needs and to be confident that these needs will be addressed.
- (2) Second, creating a national accommodation fund that would provide funds to employers for adaptive devices and accommodation needs, creating a harmonized approach to removing barriers alongside the law and policies.
- (3) Third, including a federal technology fund for assisted technology in the workplace to ensure that technology follows individual employees, rather than linking the employee's specific technology to single employer.

She also highlighted the need for employer-focused initiatives. She outlined several options, including:

- (1) Providing employer tax benefit to employers who accommodate employees with invisible disabilities.
- (2) Complementing procurement policies this focus on equitable suppliers.
- (3) Creating education programs for employers and business students and educating employers on benefits of hiring people with disabilities that relate to their business practice. This includes increasing awareness of the unique abilities of people with invisible disabilities that again can enhance the employer from their perspective.

Beyond these recommendations, Maureen spoke about the importance of benchmarking and research. This includes collecting data on people with disabilities with regards to employment and technology. This important research and data would set clear benchmarks by which to measure success.

She also highlighted the need for education—both public education campaigns and within the federal public service. Within the public service, she noted, the federal government can lead by example on implementing policies by hiring people with invisible disabilities and providing accommodation education to all federal employees.

QUESTION AND ANSWER PERIOD

The webinar concluded with a question and answer session, exploring these themes in greater depth. Further questions were asked of Michelle Demery around the scope of the legislation, and Kerri Joffe answered several questions about human rights and disability complaints.

Kerri and Maureen Haan both spoke to the realities of accessibility legislation in Ontario, noting several challenges that have arisen in that province. In particular, Kerri spoke to the enforcement mechanisms that Ontario has put in place. To her knowledge, non-compliance fines have not been issued. Other compliance measures could be established in federal legislation, such as legally enforcing compliance, administrative penalties, and even jail time.

Maureen touched on supported employment, which is currently in place in Ontario and can refer to everything from policy change to active support during employment. At a federal level, she sees a role for a national accommodation fund that both employers and employees can access to ensure employment is retained.

APPENDIX 7:

SPOTLIGHT ON INVISIBLE DISABILITIES: YOUTH CONSULTATION ON CHANGING ATTITUDES

On November 16, a live webcast was held exploring youth and changing attitudes towards people with non-visible disabilities. The webcast featured four youth panelists representing a broad spectrum of youth with non-visible disabilities. 60 people participated across the country, engaging with the panelists and putting forward ideas on how to change attitudes and shift Canadian culture towards a culture of acceptance and understanding.

The complexity of disabilities, as well as the need to both recognize individual needs and ensure broad accessibility, was a central part of the conversation. Much of the dialogue returned to the need for individuals to self-advocate while also promoting a culture of understanding within educational institutions and the workplace. What follows are recommendations that emerged from the discussion.

EDUCATION

As the panelists and participants discussed, successful education programs are key to ensuring attitudinal change. Education means understanding non-visible disabilities, as well as ensuring people have the ability and space to talk about challenges associated with their disability. A multi-tiered approach is essential, as one single program cannot educate across all sectors. In terms of national approaches, the following recommendations emerged:

- **School education programs:** Start early and invest in childhood programs and education around non-visible disabilities. Attitudes are developed and set when we're very young. Engage in practices that foster inclusive habits in order to generate a cultural paradigm shift.
 - *Example of a success story:* Childhood programs in the 1990s around recycling have led to a generation that's aware of the necessity of recycling, the benefits of recycling, and simply see it as part of everyday life. Taking a similar approach to attitudes towards disabilities could lead to similar results, in which a generation emerges for whom disabilities are understood and accepted.
- **National education program:** If everyone is educated and understands non-visible disabilities, it makes it easier to talk about challenges and accommodations.

- *Example of a success story:* Olympian Clara Hughes has become a spokesperson for mental health, leading to much public dialogue. People can talk about mental health more because more people know about it. This education and awareness can also lead to removing barriers and stigma.
 - This example speaks to the power of personal stories. Personal stories are important to breaking down barriers, providing a direct connection leading to deeper understanding. Example: Sickboy podcast out of Halifax, Nova Scotia.
- **Mentorship programs:** Mentorship can give confidence to young people, and help them when they face seemingly insurmountable challenges.
 - *Example of a success story:* The panelists all spoke to personal experiences of mentors who were central in encouraging them and spurring them onwards. Ensuring all Canadian youth with non-visible disabilities, particularly in rural and remote areas, have access to mentors through a national program would go far in terms of building confidence among these youth.

“People fear the things they don't know or don't understand.”

Panelist, Youth Perspectives

AWARENESS

The panelists talked at great length about the challenges they face in terms of having to advocate for their own needs and explain what accessibility means to them. As they pointed out, it can be hard for those with non-visible disabilities to talk about their disability and needed accommodations with educators and employers. Building on the recommendations around education programs, the panelists and participants recommended:

- **Disability-aware language:** The federal government should use and promote the use of appropriate language around disabilities. Putting the person first is key to shifting attitudes towards people with non-visible disabilities.
 - For example: “person with bi-polar disorder” rather than “bi-polar person.”
- **Identify essential requirements:** Set out standards that educators and employers can use to identify competencies. For example, SSHRC, NSERC and CIHR can develop graduate student competencies in order to increase accessibility within and cooperation from universities for students with non-visible disabilities.
- **Space for dialogue on disabilities and accommodations:** As an employer, the federal government should create space for employees to share their disabilities, and then actively work towards building change and providing accommodations.
- **Highlight positive choices for inclusion:** As one panelists mentioned, “Diversity in Canada is a fact, but inclusion is a choice.” Highlight where people can make inclusive choices through awareness campaigns.
- **Supplementary advocacy:** Encourage employers and educators to speak to their own experiences in hiring or working with people with non-visible disabilities.

ACCESSIBILITY

Building in accessibility to federal services and beyond is a third aspect of how attitudes can be shifted. In terms of accessibility, recommendations include:

- **Proactive approach:** Taking a proactive approach to accessibility—building it in from the start—ensures that the need for this accessibility isn’t questioned.
 - This can work particularly well in web-based platforms: accessibility can easily be built in and part of web-based programs. For example, if closed captioning is built in, it’s not even an issue. It’s just always there, and there’s no need to even request it or other similar accessibility measures.
- **Funding:** Consistent funding for health care and accessibility supports across Canada is essential to ensuring that people with non-visible disabilities can receive the support they need.

APPENDIX 8: MARCH 7, 2018 WEBINAR - SUMMARY

On March 7, 2018, the Spotlight Project held an hour-long webinar. This webinar provided an update on the Spotlight Project, as well as remarks from several partners from across the country, speaking to provincial experiences in accessibility and how to measure success of accessibility initiatives. Hosted by Christianne Scholfield (CHHA), panelists included Christopher T. Sutton (CHHA), Ainsley Latour (NEADS), Ruth Warick (CHHA-Vancouver) and Charles Levasseur (Neil Squire Society NB). What follows are the broad recommendations and central points made by the panelists.

RECOMMENDATIONS

ACCOUNTABILITY AND COMPLIANCE

- Realistic timelines are important for enforcing compliance of the standards set out in the act
- Accessibility requires accountability, at both the provincial and federal levels.
 - Cooperation between provincial and federal governments is extremely important
- Must identify the key indicators for any particular program or activity, as well as measurable outcomes.
 - This involves a collaborative approach with government officials and the non-visible disability community to come up with the appropriate indicators and ways of measuring them.
- Build on opportunities for the disability community to comment on progress reports
 - In tandem with government accessibility progress reports, the non-visible disability community must develop reports that can help hold government accountable by outlining the community's experience of what is going on.
- Ensure that the government is held accountable through reporting mechanisms as part of the UN Convention Committee on the Rights of People with Disabilities.
- Must ensure that silos are broken down and departments are communicating on accessibility issues.

TECHNOLOGY

- Ensure grants and funding are available to students, particularly older students who may not qualify for 'youth' grants. It is important to examine how various grant and financial aid programs interact, to ensure that people who need funding are receiving it.
- Technology gap: not many policies and programs are in place to address technology gap. For example, many web-based programs are not always programmed to be accessible, which affects a lot of users.
 - Gaps in education: little assistive technology used in classrooms, combined with little understanding of how to use such technology. Few policies are in place to facilitate use of assistive technology in classrooms. Compounding this can be agreements with vendors that can restrict use of broader technologies.
 - Technology does not follow the user: technology usually stays with educators or employers, rather than following the user to new endeavours.
 - Technology grants are often too slow, and not adaptable to changing needs.
 - Live chat and apps could be used to help bridge the technology gap.

BARRIER-FREE ACCESS

- Accessibility must be part of policies and codes, including building accessibility into emergency and natural disaster preparedness.
- Captioning is not usually on the radar, and is a central issue to the hard of hearing community. This must be addressed as part of a national comprehensive approach to accessibility.

DATA COLLECTION AND RESEARCH

- Collecting relevant data is key.
 - For example: much information is collected around wage subsidy programs. However, this data is not gathered in all areas of employment, leading to gaps. These shortcomings of gathering wage subsidy data reveal the need to make sure that we are measuring short term and long term outcomes appropriately. Using wage subsidy programs to measure employment success does not capture the long term outcomes of employment.

- Including disability-specific questions on StatsCanada surveys would be one way of ensuring proper data is collected.
- Establish federal Centres of Excellence that would allow for more research and support for captioning access.
- Collaboration: ensure that hard of hearing and broader non-visible disability communities are not silos (whether it is provincial, national or at the international level). It is essential to work together with the other members of the disability community.
 - As part of this, find broad agreement on what data needs to be collected and how it is to be collected.
- Ensure that data is specific and useful:
 - For example, most Stats Canada questions are about impact of daily living as opposed to getting down to the details of identifying the numbers of people who have a hearing loss and what the specific barriers and functional impacts they experience are.
 - That type of data is central to be able to measure progress.

APPENDIX 9: SPOTLIGHT PROJECT YEAR 2 SURVEY

The Canadian Hard of Hearing Association (CHHA) and its 19 Spotlight Partners are seeking to consult and engage invisible disability stakeholders in Canada to provide information contributing to the development of federal accessibility legislation.

1. In which province/territory do you live?

- British Columbia
- North West Territories
- Yukon
- Nunavut
- Alberta
- Saskatchewan
- Manitoba
- Ontario
- Quebec
- New Brunswick
- Prince Edward Island
- Nova Scotia
- Newfoundland and Labrador

2. What age group do you represent?

- under 18
- 18 to 34
- 35 to 49
- 50 to 64
- 65+
- Rather not say

3. What is your gender?

- Female
- Male
- Another gender identity
- Prefer not to answer

4. Please tell us who you are:

- A person who has a disability
- A family member or friend of a person who has a disability
- A clinician or service provider who supports a person who has a disability
- A disability advocate
- Other: _____

5. If you are a person with an invisible disability, please state your disability. (If no disability, skip to next question.)

- Hearing loss
- Mental health
- Learning disability
- Other: _____

6. If you were seeking assistance or information with regards to your disability, would you rather communicate with:

- A not-for-profit organization
- A government agency
- A private corporation/company
- Canadian Human Rights Commission
- None of the above

7. It is proposed that a new organization should be created to oversee and monitor all issues relating to accessibility and inclusion. Would you prefer this organization to be:

- A universal accessibility organization that covers ALL disabilities, including non-visible disabilities
- An independent organization relating directly to your non-visible disability
- It doesn't matter, as long as someone is there to support me
- Other: _____

8. Which means of communication would you use when seeking assistance or information from a federal agency? Select all that apply.

- Email
- Phone
- Online form
- Live chat on websites
- Mail-in form
- Texting
- In person (for example: at a Service Canada office)
- Other: _____

9. As the spotlight project findings showed, employers who hired people with disabilities found their workplaces became more inclusive and innovative. As the government establishes accessibility resources, would you agree that a governing accessibility organization should have a percentage of employees who live with a disability?

- Strongly disagree
- Disagree
- Neutral
- Agree
- Strongly agree

10. How would you like to see the accessibility legislation monitored to ensure that it is following the duty to accommodate?

- An organization to issue fines based on non-compliance
- Annual self-assessment on compliance
- Annual self-assessment on compliance, followed by in-person verification
- Other: _____

11. What primary improvement could the government make that would help your experience?

- Looping in public areas of all federal buildings
- Universal captioning and CART services provided at all public events
- Online live chat functions on government websites
- Quiet meeting spaces
- Voice Carry Over telephone service (Captel)
- Other: _____

12. How would you know that accessibility had improved?

- Public attitudes have changed
- Better employer education
- Services are more accessible
- Other: _____

13. What other important changes or program could the government implement that would have an impact?

14. Please provide us with your email address to enter the draw for the chha lifetime membership and the \$100 visa gift card.

Email: _____

Thank you!

**SPOTLIGHT ON INVISIBLE DISABILITIES
PROJECT PARTNERS**

<http://chha.ca/chha/spotlight.php>

- Canadian Hard of Hearing Association
- Learning Disabilities Association of Canada
- National Educational Association of Disabled Students
- Royal Canadian Legion
- Canadian Council on Rehabilitation and Work
- Canadian Mental Health Association (National)
- Neil Squire Society
- ARCH Disability Law Centre
- Canadian Centre for Diversity and Inclusion
- Canadian Academy of Audiology
- Communicaid for Hearing Impaired Persons
- Canadian Deafblind Association (National)
- Brain Injury Canada
- Inclusive Design Research Centre, OCAD University
- Media Access Canada
- Mental Health Commission of Canada
- Canadian National Society of the Deaf-Blind
- Canadian Mental Health Association (Ontario)
- Speech-Language & Audiology Canada
- The Hearing Foundation of Canada
- Canadian Hard of Hearing Association Foundation

APPENDIX 10: CANADIAN HARD OF HEARING ASSOCIATION REPORT

CANADIAN HARD OF HEARING ASSOCIATION (CHHA) - ASSOCIATION DES MALENTENDANTS CANADIENS (AMEC)

Canadian Hard of Hearing Association
2415 Holly Lane, Suite 205, Ottawa, ON K1V 7P2

Voice: 613-526-1584 — TTY: 613-526-2692
F: 613-526-4718 — Toll-Free: 1-800-263-8068 (Canada Only)
chhanational@chha.ca
chha.ca

ABOUT

Established in 1982, the Canadian Hard of Hearing Association (CHHA) is the nation's leading consumer advocacy organization representing people with hearing loss throughout Canada. With a network of 23 branches, 6 provincial chapters and a youth network (YAN), CHHA provides assistance and resources for people with hearing loss and their families to learn how to adjust to living with hearing loss.

Studies show that 1 in every 4 Canadians report having some degree of hearing loss and hearing loss is the third most prevalent chronic health condition in older adults, after arthritis and heart disease. CHHA provides timely and reliable information and resources about hearing loss through its website, "Listen/Écoute" magazine, conferences and other means to empower all Canadians living with hearing loss.

CHHA envisions a society that is respectful and fully accessible to people with hearing loss.

CHHA has a global reputation in developing and delivering a wide range of initiatives that have challenged the status quo when working with people with hearing loss. As a leader in the sector, CHHA is often sought after to provide comments and feedback on various policy initiatives, to help and identify best practices, to develop and test technology, which in return has advanced the quality of life for people living with hearing loss.

For more information about CHHA, visit www.chha.ca

PRIMARY CONCERNS OF YOUR ORGANIZATION'S MEMBERS/ CONSTITUENTS:

The proportion of Canadians with hearing loss will increase rapidly over the next several decades. Barriers such as social stigma, lack of information, inadequate access to care, and difficulty communicating by phone or in person contribute to delays in seeking treatment and assistance. Because hearing loss can trigger denial and shame, individuals often delay up to 7 or even 10 years from the onset of symptoms before seeking a formal diagnosis. In that time, we have found that many people become isolated, depressed, and no longer feel connected to their community. Hearing loss has a profound impact on an individual's ability to communicate with the world around them. Utilizing assistive technologies and learning about communication strategies (such as speechreading) can help an individual with hearing loss remain connected to their community. While millions of Canadians are currently living with some degree of hearing loss, only a fraction of those who experience hearing challenges seek treatment.

MEMBERS OF THE CANADIAN HARD OF HEARING ASSOCIATION HAVE NOTED THAT THEIR PRIMARY NEEDS INCLUDE:

- Assistance in diagnosing and treating their hearing loss (including financial supports)
- Employment assistance (for hiring processes, retention and technology support)
- Recognition of hearing loss as a disability, as well as public education to reduce stigma
- Universal adoption of assistive technologies (ie. Inductive looping, CART captioning) in public spaces.
- Install a counter hearing loop with appropriate signage for situations when a person with hearing loss is communicating in a one-on-one situation such as information interchange at service desks, points of transactions, critical care and emergency services.
- For meeting rooms in federal buildings where confidentiality must be maintained, it is recommended that an infrared assistive listening system be installed, and neck loops and headsets provided. Where confidentiality is not an issue, a wide area loop system must be installed unless the background Electromagnetic Interference (EMI) is greater than -32 decibels. Should the ambient EMI be greater than -32 decibels then either an FM system is to be installed and headsets and neck loops be provided.

- Accessibility measures clearly established for emergency situations and natural disasters
- Improved telephone communications, such as caption phone service
- Improved airport and airline accessibility, such as counter loops at service counters and closed captions/subtitles available on on-board entertainment system
- Financial support for captioning access and incentives for provinces/territories for support and subsidies for hearing aids and cochlear implants

WHAT ARE YOUR PRIMARY RECOMMENDATIONS?

- Apply a hard of hearing lens to all federal legislation and protocols
- Direct involvement of members of the hearing loss community in legislative development, implementation, enforcement and review processes (ie sit on any enforcement mechanisms, be involved in scheduled reviews, etc.)
- Accessibility as part of policies and codes. The onus should not be on those with invisible disabilities to self-identify. Services and systems should be set up to include barrier free access for all
- Conduct future study on how best individuals can receive assistance to afford the assistive technologies they need to be able to participate in society
- The right of people with hearing loss to obtain employment should receive special consideration
- Disability supports should not be removed based on employment status. Employers should receive special education and supports in order to promote the hiring of people with disabilities.

APPENDIX 11: PARTNER INFORMATION AND RECOMMENDATIONS

NATIONAL EDUCATIONAL ASSOCIATION OF DISABLED STUDENTS (NEADS)

National Education Association of Disabled Students

Rm. 514, Unicentre
1125 Colonel By Drive, Carleton University
Ottawa, ON Canada K1S 5B6

T: 613-380-8065 — Toll-Free: 1-877-670-1256

F: 613-369-4391

info@neads.ca

neads.ca

Since its founding in 1986, the National Educational Association of Disabled Students (NEADS), has had the mandate to support full access to education and employment for post-secondary students and graduates with disabilities across Canada.

Our work as an organization focuses on three core Strategic Program areas:

- Student debt reduction
- Student experience in class and on campus
- Student and graduate employment

As the number of students with disabilities entering graduate education in Canada continues to increase, disability service providers, financial aid administrators, student life professionals, students themselves, graduate departments, deans and student services directors, and universities as a whole are having to develop new strategies to facilitate their success. This effort is also driven in part by the need to be responsive to new and evolving provincial legislative landscapes in Canada. There is to date a critical lack of research and information about issues faced by graduate students with disabilities; as such, institutions are drafting policy and practice guidelines based on limited, anecdotal and local experience. No significant research on this population has been undertaken within Canada or the United States, and data are lacking. In this environment, a number of myths and misperceptions have arisen, which can move policy and practice in potentially inappropriate directions.

Therefore, there is a significant need for a detailed understanding, both quantitative and qualitative, of the experiences of students with disabilities in graduate studies. To address this knowledge gap, NEADS empanelled the National Taskforce on the Experience of Graduate Students with Disabilities in 2012, populated with content and subject matter experts drawn from multiple sectors across the Canadian post-secondary landscape.

NEIL SQUIRE SOCIETY

Neil Squire Society

400 – 3999 Henning Drive, Burnaby, BC V5C 6P9

T: 604-473-9363 — Toll Free 1-877-673-4636

F: 604-473-9364

info@neilsquire.ca

neilsquire.ca

RECOMMENDATIONS

- Procurement of federally controlled spending to leverage the availability of accessible products and services as well as ensuring that federal investments in things like infrastructure include accessibility features
- Amending of key enabling legislation such as the telecommunications act to allow the CRTC more mandate to ensure accessible access to communication technologies for persons with disabilities
- Although the legislation should have incentives it should also have real penalties for noncompliance
- Mechanisms that make it easy for persons with disabilities to point out potential areas where this new legislation is not being followed i.e. an effective and fairly straightforward complaint process

ROYAL CANADIAN LEGION (RCL)

The Royal Canadian Legion, Dominion Command
86 Aird Place, Ottawa, ON K2L 0A1

T: 1-613-591-3335 — Toll Free: 1-877-534-4666
F: 1-613-591-9335 — legion.ca

Our mission is to serve Veterans, which includes serving military and RCMP members and their families, to promote remembrance and to serve our communities and our country.

Our roots go back to 1926 and the coming together of many veterans' groups to establish a unified voice to deal with government for the benefit of all Veterans. We were established at the "Unity Conference" 25 November 1925 in Winnipeg, received our Letters Patent (Charter) in 1926 and incorporated by Act of Parliament in 1948.

Ensuring that all the Minister of Veterans Affairs' Mandate Letter recommendations come to fruition in their four year mandate. A Veteran is a Veteran is a Veteran. Whether you were injured prior to 2006 (Pension Act) or after (The New Veterans Charter) all supports (financial) and services should be equal, our Veterans deserve the best care and support available.

We are the largest Veteran's organization in Canada. We have over 275,000 members and more than 1,400 branches. We receive no government funding, this allows us to advocate for immediate and substantial improvement to government research, programs and policy for our Veterans and their families, including mental health.

The RCL Service Bureau network provides representation for Veterans and their families with applications to Veterans Affairs Canada and the Veterans Review and Appeal Board Canada. Our services are free and there is no need to be a Legion member. We complete over 3,100 claims annually, the majority are related to Hearing Loss and Tinnitus conditions. For our Veterans and their families who are not entitled to claim any benefits from VAC, and are in financial need, we provide benevolent funding to purchase hearing aids.

Veterans and their families can apply through the Legion's Poppy Trust Fund for a variety of requests, hearing aids, prescription medicine, medical appliances among other needs.

We will continue to provide leadership in advocacy efforts on behalf of all Veterans and their families.

PRIMARY NEEDS FOR OUR MEMBERS RELATING TO ACCESSIBILITY INCLUDE:

- Closing the gap for our serving members as they transition from military to civilian life.
- Eradication of the stigma around mental illness.
- Continuity of MH case management as serving members transition from military to civilian life.
- Supports and services must be readily available and accessible for our Veterans as they transition from military to civilian life.
- Reducing the complexity of VAC programs and services.
- Mental Health and Suicide Prevention Research.

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS:

It is known that 25% of the Canadian Armed Forces Veterans who transition from the military have a difficult adjustment. The challenges facing Veterans, including serving military and RCMP members, both while serving and after release, are widespread and have uniquely developed through the roles and responsibilities they take on while in service. Some Veterans have suffered grave wounds, loss of colleagues and friends, operational stress injuries, mental health challenges including Post Traumatic Stress Disorder, and difficulties transitioning to civilian life. To compound the challenge, Veterans may face a stigma around mental illness that is persistent in the military and RCMP culture. Admitting to mental illness for some may mean loss of job responsibilities, career growth and even respect among peers within the military community. Those that do seek help often have further trouble seeking accurate diagnosis, appropriate treatment and lack of follow-up.

It is time to dissolve the stigma that surrounds mental illness and ensure Canada's Veterans can seek help, without same or fear of reprisal, and get the help they need, when they need it, for as long as they need it, no matter where they reside. Help from qualified professional medical personnel who understand the military culture. The Government of Canada has an obligation to ensure Canada's ill and injured Veterans and their families receive the highest care, support and lifelong financial security.

It is clear there is an urgent need for the Government to research and develop a comprehensive mental health and suicide prevention strategy. Standards of care for our Veterans must improve. Mental illness education, counseling and training is desperately needed for Veterans, their families and support network. It is imperative that the Government de-stigmatize mental health in the military and Veteran community and ensure policies and practices treat mental illness as they would a physical injury.

To further mental health for Veterans, there is also an urgent need for an increased focus on research. The field of mental health is relatively new, especially among the Veteran community and research is needed to understand the causes, impact of and treatment for mental illness. The Government must ensure research is a priority for Veteran care.

RECOMMENDATIONS

- Conduct more research, particularly focusing on mental health and its effects on each group.
- Develop a comprehensive mental health and suicide prevention strategy
- Qualified service professionals should have education and understanding of the group they are serving (ie those working with Veterans should have specialized training to understand their unique needs).
- Start with the commitment that all Canadians deserve adequate care, support, and financial security
- The Government must work to de-stigmatize mental health in the military and Veteran community and ensure policies and practices treat mental illness as they would a physical injury.

CANADIAN COUNCIL ON REHABILITATION AND WORK (CCRW)

Canadian Council on Rehabilitation and Work
477 Mount Pleasant Road, Suite 105, Toronto, ON M4S 2L9

T: 416-260-3060 — Toll Free: 1-800-664-0925
F: 416-260-3093
info@ccrw.org
ccrw.org

CCRW MISSION:

To promote and support meaningful and equitable employment of people with disabilities. As innovators and agents of change, we build partnerships, develop skills, share knowledge and influence attitudes.

CCRW VISION:

The pre-eminent Canadian centre of excellence on the economic, social and psychological aspects of disability (be it one or more physical, sensory, medical, learning or mental health disability), as they impact people's ability to seek, acquire and retain productive employment.

CCRW VALUES:

- We recognize the capability of persons with disabilities and support their choices for equitable and meaningful participation in society.
- We believe that we achieve our mission through partnerships, teamwork, cooperation, trust and mutual respect among and with all stakeholders, employees and volunteers.
- We believe that we are responsible to those persons we serve, and hold accountability to our stakeholders, members, community at large and our benefactors.
- Above all, we believe that the CCRW exists to create an environment where persons with disabilities may attain equality of opportunity.
- As a national registered not-for-profit organization committed to supporting and promoting the meaningful and equitable employment of persons with disabilities, we believe that it is essential to partner and form alliances with groups and organizations representing persons with disabilities; and to work closely with all levels of government to influence change in policy reflecting a strengthened commitment to person with disabilities

Today's CCRW began to emerge with the passage of the Federal Employment Equity Act in 1986. CCRW cultivated relationships with companies adapting to new obligations to increase the number of persons with disabilities and other designated groups in their workforces. During this time, the CCRW Employer Advisory Committee (EAC) was formed, and national conferences were held to establish links between the business community and agencies that provide employment services to persons with disabilities. At the same time, CCRW took on increasingly broader projects and activities related to improving mainstream employment opportunities for persons with disabilities. This included an innovative study of supported employment (a model for providing real jobs for persons with intellectual disabilities). These new relationships, commitments, and activities provided CCRW with a more pronounced and unique identity. Until the late 1980s, there was little training available for Canadians assisting persons with disabilities who were looking for employment. There was also a notable shortage of disability-related training programs for employers. Recognizing these needs, CCRW became a major source of training workshops related to the employment of persons with disabilities in Canada.

CCRW is the only national not for profit organization that focuses solely on employment. We believe, as the leaders and experts in the area, that if we take care of this area of social society, other social service organizations can focus on various other areas of disability issues, such as homelessness, poverty, violence, etc.

We know that employment for people with disabilities remains a constant low figure, and has done for the past 20 years. With most employed people with disabilities working in part time and precarious employment, CCRW is working with employers to shift the landscape of Canada to an inclusive workforce, using the business case of hiring and retaining a person with a disability.

Attitudes, barriers and a lack of understanding the benefits of employing people with disabilities remains the primary concern.

PRIMARY NEEDS OF OUR MEMBERS RELATING TO ACCESSIBILITY INCLUDE:

- Lack of provided accommodations
- Lack of awareness of a person's ability (instead of disability) in corporate Canada
- Understanding retention issues
- Disclosure of disability at work
- Self-advocacy
- Reliance on income support measures that do not allow for work

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS:

- Canada should initiate a robust evaluation of the effectiveness of wage subsidies to lessen the gap in employment rates between Canadians with disabilities and Canadians without disabilities.
- Canada should create a national accommodation fund that is operated on a continuous basis by an NGO, to ensure employers are able to hire without undue hardship.
- Canada should work with other levels of government, unions, employers and the civil society to create a harmonized approach to remove barriers to employment that are imbedded in current laws, programs and policies.
- Canada must develop a reporting mechanism that includes indicators of effectiveness of the initiatives undertaken through programs funded by the LMAPDs.
- Canada must develop a robust definition of retention that can be utilized to ensure that employees with disabilities experience comparative job retention and career advancement opportunities that are afforded to people without disabilities.
- Canada should initiate an effective transition from sheltered workshops and day programs to Employment First approaches that includes framework with clear definitions of employment and principles, cross-departmental and inter-jurisdictional policy and ongoing processes of capacity development at the local level.
- The Federal government should create a targeted fund within the Opportunities Fund for Persons with Disabilities to develop a national partnership and local demonstration initiatives focused on transitioning from sheltered workshop and day programs to Employment First or other type of supportive programming.

CANADIAN DEAFBLIND ASSOCIATION

Canadian Deafblind Association
1860 Appleby Line, Unit 14, Box 421
Burlington, ON Canada L7L 7H7

Toll Free: 1-866-229-5832
F: 905-319-2027
cdbanational.com

The Canadian Deafblind Association's mission is to promote and enhance the well-being of people who are deafblind through awareness, education and the provision of support to our chapters and community partners.

CDBA is a national charitable organization created in 1975 by parents of children who were deafblind and professionals working in the field of deafblindness. Its mission encompasses awareness, support and education. Today, CDBA has a National Board of Directors with representation from across the country; a National Executive Director; and five provincial chapters. Each chapter has a provincial Board of Directors supported by senior and program staff who provide a variety of services within their province to individuals who are deafblind, their families, and members of the larger community.

Deafblindness is a unique and distinct disability that affects an estimated 1 in 3,000 people in Canada. This is expected to grow as the population ages, as deafblindness is a major condition of the aging process. This is expected to contribute significantly to the health care concerns of our country.

The combination of the loss of these two sensory modalities – sight and hearing – results in significant difficulties in accessing information, learning, communicating and participating in everyday life.

Individuals who are deafblind remain quite isolated in their communities. They are in desperate need of greater means of accessing information in their modes of communication in order to lead more inclusive lives in the Canadian mainstream.

Independent living challenges exist like using the telephone, hearing alarm clocks and doorbells.

More trained intervenors are needed. Intervention is the process that allows an individual who is deafblind to receive non-distorted information such that he or she can interact with his or her environment. Canada is the only country in the world with college programs to train intervenors equipped with specific skills, knowledge and experiences.

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS:

- Individuals who are deafblind deserve the best possible opportunity to gather information, process it and develop communication, skills and concepts.
- Individuals who are deafblind must have reasonable expectations for employment and electoral voting

CANADIAN MENTAL HEALTH ASSOCIATION (CMHA)

Canadian Mental Health Association, National
500 - 250 Dundas Street West, Toronto, ON M5T 2Z5
T: 613-745-7750 — cmha.ca

Canadian Mental Health Association, Ontario
2301 – 180 Dundas Street West, Toronto, ON M5G 1Z8
T: 416-977-5580 — ontario.cmha.ca

Founded in 1918, the Canadian Mental Health Association (CMHA) is the most established, most extensive community mental health organization in Canada. Through a presence in more than 330 communities across every province, CMHA provides advocacy and resources that help to prevent mental health problems and illnesses, support recovery and resilience, and enable all Canadians to flourish and thrive.

Visit the CMHA website at www.cmha.ca.

PRIMARY CONCERNS AND NEEDS OF OUR MEMBERS RELATING TO ACCESSIBILITY INCLUDE:

Inclusion

People who disclose mental health disabilities often face stigma, discrimination and a lack of understanding about their disability. Although there are many different forms of mental health disabilities with different characteristics and symptoms, most are often invisible. Mental health and addictions disabilities do not share equal footing with other disabilities in the public sphere and the associated stigma has hindered progress in effectively removing barriers to equitable service. This is why mental health disabilities are often referred to as invisible disabilities and do not receive adequate attention.

The definition of accessibility and accommodations must include, but go beyond visible disabilities.

Communication

There is not one voice, but multiple diverse voices of persons with disabilities. These voices are informed by experiences of systemic exclusion and discrimination, as well as by other intersecting disadvantages (such as poverty or racialization). Persons with disabilities may agree or disagree on a range of issues.

It is important that proper communication practices are implemented in all public service outlets. This includes the use of standardized, non-stigmatizing language as well as training service providers in proper communication methods in dealing with individuals with mental health and substance use issues. For example, CMHA Toronto and the Centre for Addiction and Mental Health (CAMH) collaborated to create a training course for justice sector employees to help remove barriers in communicating with people with mental health disabilities. This was part of the Enabling Change project funded by the Ontario government.

In areas of federal public service such as banking, employment insurance, post office, citizenship and immigration, and voting procedures, it is important to ensure that federal employees receive training and education to communicate effectively with people living with mental health and addictions disabilities. This is essential to ensuring that all Canadians receive equitable service across all sectors of federal jurisdiction.

Moreover, a dual-focused strategy is needed to better incorporate voices of persons with mental health disabilities into the development and application of laws and policies. First, opportunities and resources for advocacy (both self-advocacy and advocacy supported by others) must be increased by expanding existing mechanisms, such as legal centres/support for persons with disabilities and advocacy and rights bodies. Secondly, steps must be taken to increase the presence of persons with disabilities in law- and policy-making settings, such as affirmative action initiatives, scholarships or other measures designed to advance persons with disabilities in legal and justice systems, post-secondary education, the public service and political decision-making.

Accommodation

People with mental health and addiction disabilities are entitled to equal rights and opportunities and freedom from discrimination. There is a legal duty for employers, landlords, service providers and others to provide accommodation for people with disabilities to the point of “undue hardship” (e.g. in terms of costs, health or safety issues). Even in cases where there is a potential situation of accommodation creating “undue hardship”, there is a precedent from investigated cases that directs employers, landlords and service providers to do what can be done until a more ideal solution is possible.

Landlords and housing providers have a duty to accommodate people with mental health or addiction disabilities. Housing providers must work with the tenant to accommodate their disability before any steps are taken towards eviction. It is important to know that a landlord or housing provider cannot deny housing to someone because they have a mental health or addiction disability.

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS

Transportation

Since most mental health disabilities are often invisible - you will not know if someone has a mental health disability unless it is disclosed. These disabilities are episodic; symptoms and needs can vary from day to day and from individual to individual. One customer may not display any visible signs of a mental health disability, but require an accommodation to prevent or manage triggers or symptoms. Another customer may display characteristics of a mental health disability, but not require any accommodation at all.

When serving customers who have disabilities, transportation service providers should always be respectful, accommodating, polite and considerate of their dignity, individuality and desire for independence.

Federal Taxes

The Canada Revenue Agency (CRA) continues to make it increasingly difficult for Canadians with disabilities to access a modest tax credit that means a great deal to people with marginal incomes.

CMHA and its members are concerned by reports of individuals with severe mental illnesses who have been receiving the Disability Tax Credit (DTC) but have subsequently been denied the tax credit when asked to reapply at a future date. Although the legislation has not changed, the language on the Form T2201 Disability Tax Credit Certificate has become more restrictive and many of the questions in the clarification letters sent to medical practitioners do not reflect the disabling impacts of severe mental illnesses. A number of psychiatrists believe that their patients are no longer eligible for the DTC and have refused to complete Form T2201.

We are also concerned about a change in the guidelines put forward by the CRA in Form T2201. Prior to this change, the marked restriction in mental functions necessary for everyday life was required to be present “all or substantially all of the time.” The marked restriction is now defined as “at least 90 per cent of the time.” Such a narrow interpretation of the Income Tax Act does not reflect the legislative intent nor the rulings of the Tax Court of Canada and Federal Court of Appeal.

Although one in five Canadians experience a mental health problem in their lifetime, the percentage of people living with lifelong, severe mental illnesses such as bipolar disorder and schizophrenia is approximately 2 per cent of the population. The majority of these individuals benefit from a variety of mood stabilizers and psychotropic medications. Still, a small percentage continue to be vulnerable to a wide range of symptoms affecting the way they think, feel and relate to others, indicating that they are markedly restricted in their mental functions all or almost all of the time, even though the external signs and symptoms may be perceived to be intermittent.

We believe that individuals experiencing such serious and persistent mental health problems have impairments that justify the tax credit and are looking for the re-establishment of the Disability Advisory Committee (DAC) with a view to improving the administration and language of the Disability Tax Credit (DTC).

Broadcasting

The Government of Canada communicates information to citizens in many ways, including through websites and brochures. It also regulates radio and television.

Language or incorrect use of language can contribute to stigma that people with severe mental illnesses have to deal with throughout their lives. Therefore, it is imperative that sensitivity training is mandatory to ensure that the correct terminology is used when describing mental health.

A person is not the sum total of their symptoms that they experience; these can vary greatly from individual to individual and not all individuals are always symptomatic. A common mistake many people make is describing someone as their diagnosis – that person is bipolar or that person is a schizophrenic instead of saying an individual WITH bipolar or an individual WITH schizophrenia.

Another common mistake is the misuse of ‘commit’ - one way that we can help is to stop saying that people commit suicide, synonymous with committing criminal offences. Although suicide was decriminalized in the early 1970’s, we still hear many people refer to it as crime. It is a public health concern, not a criminal one.

Federal Investments in Affordable Housing and Criminal Law

Federal investments in affordable housing would have a positive impact on other areas of public concern such as criminal justice. People living with mental health and addictions issues who are marginalized, without proper supports such as affordable housing and access to treatment, are at risk of coming into contact with the criminal justice system. Police are often called upon to deal with people experiencing mental health crises and addictions issues. These interactions can lead to criminal charges and can create a cycle of incarceration, adding to the burden of an already overloaded system.

Guaranteeing access to affordable housing and community supports across all jurisdictions in Canada would provide a sustainable resolution to this problem.

Federal Programs for Women

Federal programs for women are essential to addressing specific health issues and inequities that exist. Domestic and sexual violence against women, poverty, and maternal health for federally incarcerated women are critical areas that intersect with mental health.

They require specific legislation to ensure equitable access to quality care.

Indigenous Peoples

Culturally sensitive and specific programs for Indigenous peoples are also essential to ensuring equitable services for Canada’s indigenous population. Addressing mental health concerns in First Nations communities requires dedicated funding and programming to properly address geographic barriers to quality care. Issues around the standard of living and access to basic human rights, such as clean water and education, in remote First Nations communities are directly linked to mental health issues and have led to a recent crisis of youth suicides. The suicide rate in our First Nations communities is 5 to 6 times higher than the National average.

National legislation is needed to properly and effectively address this disparity.

RECOMMENDATIONS:

- The definition of accessibility and accommodations must include, but go beyond visible disabilities.
- It is important that proper communication practices are implemented in all public service outlets. This includes the use of standardized, non-stigmatizing language as well as training service providers in proper communication methods in dealing with individuals with mental health and substance use issues.
- In areas of federal public service such as banking, employment insurance, post office, citizenship and immigration, and voting procedures, it is important to ensure that federal employees receive training and education to communicate effectively with people living with mental health and addictions disabilities. This is essential to ensuring that all Canadians receive equitable service across all sectors of federal jurisdiction.
- Moreover, a dual-focused strategy is needed to better incorporate voices of persons with mental health disabilities into the development and application of laws and policies. First, opportunities and resources for advocacy (both self-advocacy and advocacy supported by others) must be increased by expanding existing mechanisms, such as legal centres/support for persons with disabilities and advocacy and rights bodies. Secondly, steps must be taken to increase the presence of persons with disabilities in law- and policy-making settings, such as affirmative action initiatives, scholarships or other measures designed to advance persons with disabilities in legal and justice systems, post-secondary education, the public service and political decision-making.
- Landlords and housing providers have a duty to accommodate people with mental health or addiction disabilities. Housing providers must work with the tenant to accommodate their disability before any steps are taken towards eviction. It is important to know that a landlord or housing provider cannot deny housing to someone because they have a mental health or addiction disability.
- Education should include that: Since most mental health disabilities are often invisible - you will not know if someone has a mental health disability unless it is disclosed. These disabilities are episodic; symptoms and needs can vary from day to day and from individual to individual. One customer may not display any visible signs of a mental health disability, but require an accommodation to prevent or manage triggers or symptoms. Another customer may display characteristics of a mental health disability, but not require any accommodation at all.
- The Government should work toward a common definition of disability across all programs and services.
- Though federal accessibility legislation will provide guidelines and standards, support for accessibility must be carried through all federal programs and services, especially in instances where a bureaucratic entity is responsible for setting guidelines or requirements. As an example, support for persons with disabilities set in the Income Tax Act (2005) has been eroded in recent years due to change in the guidelines put forward by the CRA in Form T2201. Prior to the change, the marked restriction in mental functions necessary for everyday life was required to be present “all or substantially all of the time.” The marked restriction is now defined as “at least 90 per cent of the time.” Such a narrow interpretation of the Income Tax Act does not reflect the legislative intent nor the rulings of the Tax Court of Canada and Federal Court of Appeal.

For information on a successful CMHA campaign, please visit the Not Myself Today workplace initiative online at www.notmyselftoday.ca.

LEARNING DISABILITIES ASSOCIATION OF CANADA (LDAC)

The Learning Disabilities Association of Canada
Executive Director: Ms Claudette Larocque
#20 - 2420 Bank Street, Ottawa, ON Canada K1V 8S1

T: 613-238-5721
info@ldac-acta.ca
ldac-acta.ca

VISION:

A Canada where people with learning disabilities thrive, reach their potential and are recognized as full contributing members of society.

MISSION:

The Learning Disabilities Association of Canada (LDAC) collaborates with provincial and territorial partners to build awareness in the broader community and promote equitable opportunities so that all individuals with learning disabilities can achieve their educational, employment, health and personal goals.

WHO WE ARE:

LDAC is a national, non-profit organization founded in 1963 and incorporated in 1971. The organization works with and supports the provincial and territorial associations as the national voice for persons with learning disabilities and those who support them.

LDAC IS DEDICATED TO HAVING INDIVIDUALS WITH LEARNING DISABILITIES:

- function as full citizens;
- develop to their potential; and
- be recognized for their varied and significant contributions.

WHAT WE DO:

LDAC accomplishes its goals through research, education, and public awareness about the nature and impact of learning disabilities. Through collaboration, communication and partnership, we strive to catalyze the many efforts of people and organizations working within the Canadian learning disabilities network.

SLOGAN:

The right to learn, the power to achieve!

HISTORY:

The Learning Disabilities Association of Canada (LDAC) is a national, non-profit voluntary organization which was founded in 1963 and incorporated in 1971. There is a Learning Disabilities Association (LDA) in each province and from these extend a network of chapters in 22 communities across the country. These Associations are affiliated with the LDAC and share the same aims and objectives.

The national volunteer Board of Directors is composed of eight members appointed by the provincial LDAs. The LDAC activities include the collection and dissemination of information on learning disabilities in the areas of prevention, early identification, assessment, education, intervention, social interaction, health, coping skills, family support, advocacy, transitions, employment, and justice to consumers, parents, professionals, various levels of government, and other agencies.

Since the 1960s, the LDAC has established itself both in Canada and internationally as a credible organization. The level of respect that the organization commands is in part due to the cooperative model upon which it is built. In addition to the volunteer Board of Directors, LDAC has a Professional Advisory Committee (PAC) to which recognized Canadian experts are appointed.

Although members of the PAC do not meet as a group, its volunteer professionals in the areas of pediatrics, psychology, neuropsychology, educational psychology, education, speech and language pathology, justice, employment, etc. allow for easy access to expertise in areas of interest.

In its earlier days, the LDAC has published a number of manuals, guides, self-help and reference books to meet the growing needs of persons with learning disabilities. Project management included small and large initiatives. Workshops for judges, literacy workers, correctional services educators, probation officers and volunteers have been offered in all provinces and territories.

Screening and teaching tools have been developed to increase the literacy skills of adults with learning disabilities. Early identification guides for parents, daycare providers, educators, road maps for postsecondary students, fact sheets and much more have and continue to be released by LDAC.

Ongoing public awareness initiatives include the annual celebration of October is Learning Disabilities Month (LD Month) with activities held in communities across the country.

LDAC has been invited to participate on several national committees, advisory groups and has presented a number of briefs to Federal Parliamentary Standing Committees (Finance, Justice, Environment, Health) on issues concerning the impact of federal policy changes and programming on Canadians with learning disabilities. These presentations have been critical in helping the organization successfully inform public policy in a number of priority areas including health, justice, prevention, income support, employment, literacy, research, advocacy, children at risk, and post-secondary education.

PRIMARY CONCERNS OF OUR MEMBERS/CONSTITUENTS:

Assessments: Several issues are of concerns in this area.

- (A) Learning disabilities are not diagnosed in the medical model but through the education model. Currently, we are at a transition stage. Usually, a diagnosis of a learning disability is made at the elementary level, usually in grade 3 or 4. With the introduction of the inclusion model in the classroom across the country, many schools no longer provide assessments but use a Response to Intervention.

- (B) When a student plans to attend postsecondary education and needs accommodations they are required to have an up to date psycho educational assessment, that provides the type and severity of learning disability (ies) and recommendations for accommodations for the students in the postsecondary program. This assessment can cost between \$1500 and \$3500 and is not covered under any provincial medical coverage but maybe partially covered under supplementary medical coverage if mom or dad is covered through work. Not everyone can afford it.
- (C) When a federal employee takes a Second Language Training Course for job advancement as a requirement of the position, many with language learning disabilities need to provide an up to date assessment in order to obtain accommodations while taking the training course. Many have assessments that are outdated which means many have to search for a psychologist that specialize in the LD assessment field, pay for the assessment, which is a huge expense. Many who have never been diagnosed, struggle in the language training course without accommodation and exhaust their time extensions before realizing they may have an LD and need a diagnosis.

SELF DISCLOSING

Many employees do not want to self-disclose their learning disabilities for several reasons:

- They may not need accommodations and their LD is not an issue in how they perform the job;
- They are not comfortable in discussing their LD;
- They may have had a negative experience and choose not to repeat a similar situation;
- They may fear that disclosing will lead to prejudice, discrimination or rejection;
- The workplace environment may lead them to believe the reaction will be negative and may harm their chances for promotion, etc.
- The size of the company is a significant factor in whether or not to disclose. Large organizations tend to offer more supportive programs such as a Diversity Manager, Workplace Equity Branch, Corporate Training Centre, etc. Small organizations may be limited in the services and programs they offer.
- Some other factors that influence a decision to disclose or not: is the job the right match for the person? Will the LD interfere with the job duties? Will disclosure cause biases? Is there sufficient trust between the employee and employer?

PRIMARY NEEDS OF OUR MEMBERS RELATING TO ACCESSIBILITY INCLUDE:

Education: Managers, supervisors, managers, Diversity Managers, Workplace Equity Branches, Corporate Training Centers, HR personal and unions must receive training on the new legislation and policies on how to provide accommodations to employees with disabilities. Our members suggest training with the above list, in the area of learning disabilities and how these can manifest themselves in the workplace.

OTHER INFORMATION RELATING TO ACCESSIBILITY LEGISLATION

The Accessibility for Ontarians with Disabilities Act or AODA

Why re-invent the wheel? Ontario has undertaken this huge task and a review should be conducted on the model used and how it developed and implemented the Act. <https://accessontario.com/aoda/> The same standards could be developed that could impact federal legislation in the following areas:

- customer service;
- information and communication (websites, documents formats, forms, etc.);
- employment (federal employees)
- transportation (ferries, planes, trains, bus)
- design of public spaces.

LEGISLATION FOR CANADIANS WITH DISABILITIES ACT

Within federal jurisdiction, the legislation could potentially apply to: Parliament of Canada; Departments, agencies and institutions of the Government of Canada; Federal Crown corporations; Federally-regulated businesses and industries (e.g. banking, broadcasting, cross-border transportation – trains, bus, ferries, and planes); Federal courts; Canadian Armed Forces; Royal Canadian Mounted Police and other federal Crown Corporations.

CORPORATE CULTURE SHIFT

Implementing successful federal accessibility legislation or a Canadians with Disabilities Act will require a huge corporate culture change in these departments and agencies. There are a number of ‘models’ of disability which have been defined over the last few years. The two most frequently mentioned are the ‘social’ and the ‘medical’ models of disability.

The medical model of disability views disability as a ‘problem’ that belongs to the individuals with disabilities. It is not seen as an issue to concern anyone other than the individual affected. For example, if a wheelchair using employee is unable to get into a building because of some steps, the medical model would suggest that this is because of the wheelchair, rather than the steps. The social model of disability, in contrast, would see the steps as the disabling barrier. This model draws on the idea that it is society that disables people, through designing everything to meet the needs of the majority of people who are not individuals with disabilities. There is a recognition within the social model that there is a great deal that society can do to reduce, and ultimately remove, some of these disabling barriers, and that this task is the responsibility of society, rather than the individuals with disabilities person.

SOME EXAMPLES OF A MEDICAL MODEL APPROACH MIGHT BE:

- a member of staff who refuses to make available a copy of a PowerPoint presentation before a lecture. This creates a barrier to learning for the students with reading disabilities in the group who are likely to have a slower processing and writing speed and who will struggle to understand and record the key points;
- a department that organizes an event that is not accessible to individuals with disabilities members.

This medical model approach is based on a belief that the difficulties associated with the disability should be borne wholly by the individuals with disabilities, and that the individuals with disabilities should make extra effort (perhaps in time and/or money) to ensure that they do not inconvenience anyone else. These attitude and practices are rampant in the federal jurisdiction.

The social model is more inclusive in approach. Pro-active thought is given to how individuals with disabilities can participate in activities on an equal footing with non-disabled people. Certain adjustments are made, even where this involves time or money, to ensure that individuals with disabilities are not excluded. The onus is on the organizer of the event or activity to make sure that their activity is accessible. Examples might be:

- a course leader who meets with a visually impaired member of the group before the beginning of a course to find out how hand-outs can be adapted so that the student can read them;
- a staff member who makes PowerPoint presentations available to all members of the group before a lecture. This allows students with reading disabilities to look up unfamiliar terminology before the lecture, and gives them an idea of the structure that will be followed. This 'framing' helps students to understand and retain the information.

Many people are willing to adopt the social model and to make adjustments for employees who have a visible disability. However, they are not as accommodating with employees who have a hidden disability, or a disability that is not clearly understood. An important principle of the social model is that the individual is the expert on their requirements in a particular situation, and that

this should be respected, regardless of whether the disability is obvious or not. If the federal legislation is working towards a 'social model' of disability a huge corporate culture shift will need to take place as part of the education on the new Legislation for Canadians with Disabilities Act.

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS:

Recommendation 1: Review AODA model

Establish a committee to review how the Accessibility for Ontarians with Disabilities Act or AODA was developed and assess if this model could be used to develop the new federal legislation.

Recommendation 2: Plan

Create a multi-year accessibility plan and update it every five years.

Recommendation 3: Design

Consider accessibility in procurement, when designing or purchasing self-service kiosks, when designing new buildings, when renting event spaces and when developing websites.

Recommendation 4: Review

Current federal practices, policies, legislations need to be reviewed to bring them into alignment with the new legislation.

Recommendation 5: Streamlined

Federal hiring practices and all existing legislation need to be streamlined with the new legislation.

Recommendation 6: Research

Encourage evidence base research in areas of mental health and the workplace; wage subsidies (does it work/ why); workplace culture; disclosing in the workplace; accommodations, etc.

Recommendation 7: Training

- (A) Provide training to managers, supervisors, Diversity Managers, Workplace Equity Branches, Corporate Training Centers, HR personal and unions on the new legislation and policies on how to provide accommodations to employees with disabilities.
- (B) Include sensitivity training and conflict resolution on the duty to accommodate, and the implementation of accommodations.
- (C) Provide in depth training on how to match the job task(s) to the disability impairment with the appropriate accommodations.

Recommendation 8: Policy

Develop a duty to accommodate policy with a how-to guide on implementing it for each department/agency to adopt it.

Recommendation 9: Accommodation Centre

Establish a centre to provide services to employers/ managers/supervisors and employees on how to create successful workplace accommodations to match the job task to the disability impairment. Many years ago, the federal government purchased the services of an agency available through HRSDC- Employment called JAN – Job Accommodations Network with a 1800 number with access to a counsellor. The federal government had a contract with this American organization to provide services. They have not had this service in long time but JAN is still operating in the USA. <https://askjan.org/index.html> JAN has a searchable accommodation database as well as one by disability type and provides many other resources.

Recommendation 10: Advisory Group

Continue consultation for continued policy reform.

SPEECH-LANGUAGE & AUDIOLOGY CANADA (SAC)

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MISSION:

Supporting and empowering our members and associates to maximize the communication health for all people of Canada.

Communication health for Speech-Language and Audiology Canada refers to everything within the scope of practice of audiology and speech-language pathology.

VISION :

Ensuring all people of Canada achieve optimal communication health.

We are Speech-Language and Audiology Canada (SAC), a member-driven organization that supports, promotes and elevates the professions of our members and associates. SAC is 52 years old and currently has over 6000 members and associates. We are the only national organization passionately supporting and representing speech-language pathologists, audiologists and communication health assistants inclusively. Through this support, we champion the needs of people with communication disorders.

ARCH DISABILITY LAW CENTRE

ARCH Disability Law Centre
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archdisabilitylaw.ca

VISION

A world in which all people with disabilities enjoy social justice and equal participation in society and our communities

MISSION STATEMENT

ARCH Disability Law Centre, as a specialty legal clinic with a provincial mandate, undertakes to achieve this Vision by:

- Ensuring our work has Ontario wide impact focusing on, identifying and removing systemic barriers
- Addressing issues that have an impact on low income people with disabilities, including the root causes of poverty
- Empowering people with disabilities
- Being recognized as experts in the law as it affects people with disabilities
- Addressing the heightened disadvantage, marginalization and exclusion faced by people with disabilities by reason of factors such as gender, race, age, language, economic status and sexual orientation.

ARCH Disability Law Centre (“ARCH”) is a specialty legal clinic dedicated to defending and advancing the equality rights of persons with disabilities in Ontario. ARCH is primarily funded by Legal Aid Ontario. For over 35 years, ARCH has provided legal services to help Ontarians with disabilities live with dignity and participate fully in our communities. ARCH provides summary legal advice and referrals to Ontarians with disabilities; represents persons with disabilities and disability organizations in test case litigation; conducts law reform and policy work; provides public legal education to disability communities and continuing legal education to the legal community; and supports community development initiatives. More information about our work is available on our website: www.archdisabilitylaw.ca

ARCH has a longstanding history of representing parties and interveners before courts and tribunals in matters that raise systemic human rights and accessibility issues within both the federal and provincial spheres. ARCH lawyers have appeared before the Canadian Human Rights Commission, the Canadian Human Rights Tribunal, the Human Rights Tribunal of Ontario, and all levels of court including the Supreme Court of Canada. ARCH has made extensive submission to reforms of Ontario’s Human Rights Code and the Accessibility for Ontarians with Disabilities Act. ARCH has been involved in working to promote the Convention on the Rights of Persons with Disabilities and its implementation in Canada. ARCH is a partner in drafting a shadow report to the UN Committee on the Rights of Persons with Disabilities on Canada’s implementation of the Convention.

PRIMARY CONCERNS OF OUR MEMBERS/CONSTITUENTS:

ARCH works from a cross-disability perspective, meaning that we work to defend and advance the rights of persons with disabilities, regardless of the type of disability. ARCH has individual members, and we work with over 60 Community Partners who are organizations that represent the interests of people with disabilities and endorse the goals and objectives of ARCH. As a result, the primary concerns of our communities are wide-ranging. These concerns include (but are not limited to) :

- access to justice
- inclusive education and discrimination against students with disabilities
- discrimination based on disability in employment, services, goods
- legal capacity, supports for decision-making, abuse and misuse of substitute decision-making
- services that support independence and participation in the community, including attendant services, supports for persons labelled with intellectual disabilities, and other disability services
- abuse of persons with disabilities
- poverty and income support
- medical assistance in dying
- adequate, affordable, accessible housing
- accessible elections

PRIMARY NEEDS OF OUR MEMBERS RELATING TO ACCESSIBILITY INCLUDE:

- Ensuring that courts, tribunals and administrative processes are fully accessible for all persons with disabilities
- Ensuring that students with disabilities are provided with equal and meaningful access to primary, secondary and tertiary education
- Ensuring that persons with disabilities have equal access to goods and services
- Ensuring that persons with disabilities are not discriminated against in employment, including during recruitment, hiring, on the job accommodations, retention, and promotion
- Ensuring that persons with disabilities have access to supports to enable them to exercise their legal capacity
- Ensuring that persons with disabilities have access to services and supports to enable them to live, participate and be included in the community

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS:

- Accessibility legislation should adopt a rights-based legal framework.
- Federal accessibility legislation should adopt and include relevant articles from the United Nations Convention on the Rights of Persons with Disabilities, including:

- General principles of respect for inherent dignity and independence, full and effective participation and inclusion in society, equality of opportunity, and accessibility (Article 3 of CRPD)
- Obligations to undertake or promote research and development of universally designed goods, services, equipment and facilities, and to promote universal design in the development of standards and guidelines (Article 4.1 (f) of CRPD)
- Obligations to undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost (Article 4.1 (g) of CRPD)
- Obligations to provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities (Article 4.1 (h).
- Obligations to promote the training of professionals and staff working with persons with disabilities so as to better provide accommodations, assistance, and services (Article 4.1(i) of CRPD)
- Recognize the unique barriers to accessibility faced by women and girls with disabilities, and pay special attention to removing these barriers (Article 6 of CRPD)
- The majority of, if not all, the obligations in relation to accessibility, as set out in Article 9 of the CRPD.
- Obligations to ensure that persons with disabilities have equal and effective access to justice. The federal accessibility legislation should ensure that federal courts, tribunals and other administrative decision-making mechanisms are fully accessible to persons with disabilities. This would include requirements for federal courts and tribunals to provide procedural and age-appropriate accommodations during all stages of legal proceedings including investigative and other preliminary stages. The federal accessibility legislation should create accessibility training requirements for federal court and tribunal staff, adjudicators, and judges (Article 13 of CRPD).
- Obligations to ensure that the Federal Government and federally-regulated service providers, employers and other entities provide information in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost. The federal accessibility legislation should require the Federal Government and federally-regulated service providers, employers and other entities to accept and facilitate the use of sign languages, Braille, augmentative and alternative communication and other accessible forms of communication. The federal accessibility legislation should require internet-based services and information to be provided in accessible formats for persons with disabilities (Article 21 of CRPD).

- Obligations on the Government of Canada and other federally-regulated employers to ensure that all aspects of employment are accessible, including recruitment, hiring, employment conditions, career advancement and retention. Careful attention must be paid to ensure that the federal accessibility legislation works in tandem with existing federal legislation, such as the Canadian Human Rights Act, Employment Equity Act, and other relevant laws. Substantial consultation with the Canadian Human Rights Commission is required. Article 27 of the CRPD also provides for effective access to technical and vocational training, placement services, and the promotion of self-employment and entrepreneurship, all of which should be considered for inclusion in the federal accessibility legislation (Article 27 of CRPD).
 - Obligations to ensure that Canada's existing income support and social security programs are fully accessible to persons with disabilities, including application and appeal procedures. The federal accessibility legislation should require the Government of Canada to develop a national action plan that addresses poverty reduction for persons with disabilities. This plan should address access to adequate food, clothing and clean water; access to appropriate and affordable disability services, assistive devices and other disability-related needs; and access to adequate, affordable, accessible housing. This plan must include goals, concrete ways of measuring goal attainment, and timelines for doing so (Article 28 of CRPD).
 - Obligations to ensure that federal voting procedures, facilities and materials are fully accessible to all persons with disabilities. Attention must be paid to accommodate persons with various disabilities, including providing plain language voting information for persons labelled with intellectual disabilities and ensuring that voting procedures can accommodate augmentative and alternative communication. The federal accessibility legislation should ensure that all-candidates meetings and other election-related events are fully accessible for persons with disabilities. The federal accessibility legislation should ensure that persons with disabilities have equal access to running as political candidates, including access to funding to off-set the costs of disability-related campaign and accommodation expenses (Article 29 of CRPD).
 - Obligations to ensure that persons with disabilities enjoy access to federally-regulated television, radio and telecommunications. The federal accessibility legislation should ensure that all federally-regulated museums, galleries, libraries, national parks and other cultural sites and services are fully accessible to persons with disabilities. This includes provisions to ensure that laws protecting intellectual property rights do not constitute an unreasonable barrier to access by persons with disabilities to cultural materials. The federal accessibility legislation should ensure that national sport programs are fully accessible to persons with disabilities (Article 30 of CRPD).
 - Obligations to ensure that any public statistics and data which the Government of Canada collects are fully accessible to persons with disabilities. The federal accessibility legislation should provide that statistics and data will be collected and used to help assess the implementation of the obligations under the legislation, and to identify and address barriers faced by persons with disabilities (Article 31 of CRPD).
 - The federal accessibility legislation should address the need for the Government of Canada to develop national strategies on certain issues that fall primarily within provincial jurisdiction, including legal capacity and supported decision-making (Article 12), and inclusive education (Article 24).
- For more detailed information about this, please see:**
http://www.archdisabilitylaw.ca/Discussion_Paper_FedAccessibilityLegislation_CRPD
- Federal accessibility legislation must include robust and effective enforcement mechanisms to ensure that employers, service providers and the Government of Canada comply with the accessibility obligations established by the new legislation.
 - Federal accessibility legislation should include mechanisms for proactive monitoring of the implementation and effectiveness of the legislation. These mechanisms must include persons with disabilities.
 - Federal accessibility legislation must complement existing human rights and equality laws, including the Canadian Charter of Rights and Freedoms, the Canadian Human Rights Act, federal employment equity legislation, and other relevant laws.
 - Clear information must be provided about the federal accessibility legislation rights and/ or requirements, in order to ensure that organizations, businesses and governments understand their legal obligations under the federal accessibility legislation and other relevant laws.

MENTAL HEALTH COMMISSION OF CANADA

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CANADIAN ACADEMY OF AUDIOLOGY

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MISSION:

The Canadian Academy of Audiology is dedicated to enhancing the role of audiologists as primary hearing health care providers through advocacy, education and research.

HISTORY:

The Canadian Academy of Audiology (CAA) is a 20 year old organization supporting Audiology professionals across Canada. We provide and support education, research, advocacy and representation of Audiologists. We also offer information to consumers of the services provided by Audiologists in areas of hearing health, balance, tinnitus, prevention of hearing loss, rehabilitation and managing hearing loss across the life spectrum. Audiologists assist and counsel individuals to adapt to their hearing challenges in employment, education, the health services system, daily living environments and family life. Audiologists interface with people who experience challenges in all their interactions with public environments.

CAA has a large communication reach and scope. We share knowledge through a variety of media to Audiologists and other hearing healthcare professionals. We hold the premiere annual national conference in Audiology in Canada which is attended by students, practicing audiologists and other health care professionals from Canada and other countries. In addition, we publish the online journal, Canadian Audiologist, which is distributed 6 times per year to hearing health professionals and other health professionals across Canada. We also support a website for sharing knowledge and have an active presence in social media and publications such as national newspapers and magazines. Our board of directors is made up of audiologists from all practice types from across the country. We regularly communicate by email with a large list of professionals in the hearing health services and academic research centres. We support awareness of hearing health and related topics to the public through our members and in the national media.

PRIMARY CONCERNS OF OUR MEMBERS/CONSTITUENTS:

All areas of delivery of hearing healthcare, conserving hearing, managing tinnitus and balance. Maintaining a high level of service quality with person focussed care by continuous learning of clinical applications based on high quality research. Our research scientists ensure there is a high quality of education delivered in our programs. We provide support to well designed research studies which add fundamental science knowledge in hearing, tinnitus and balance. We also encourage and support the application of science, psychology and education to provide enhanced clinical testing, technology and management/rehabilitation of hearing loss. Members are concerned with advocating for the profession and for their consumers.

The end goal is to ensure there is access to communication and its benefits on the quality of life of those served by Audiologists.

PRIMARY NEEDS OF OUR MEMBERS RELATING TO ACCESSIBILITY INCLUDE:

Some of our members have some degree of hearing loss from mild to severe. To provide access to education at our annual conference these individuals must be able to learn by using accessibility methods such as remote transcription and/or ASL and/or enhanced hearing technology. Our members also engage in providing advice to individuals, families, hospitals, healthcare workers, seniors health institutions, schools, companies and public building owners to ensure that environments and technology are designed and used to optimize hearing.

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS:

- Provide funding to provide remote captioning services and looping technology at all education sessions for professional Audiologist university and continuing education programs.
- Provide policies and priorities for all health care professionals and institutions to ensure that each person who has hearing loss is identified and has adequate support to ensure his/her health care visit and management is carried out with safety and minimization of risk caused by poor communication. (note: literature references can be provided which report 1. a high relationship between preventable adverse events in health care settings and communication problems including hearing loss 2. errors in diagnosis and unheard questions 3. Errors in medication management because of unheard instructions etc.)
- Ensure that all health care institutions and professionals are required to have training for front line staff and professionals on how to identify a person who has hearing loss, how to communicate with a person who has hearing loss and how to manage environments for optimum communication with patients who present with hearing loss.
- Provide guidance to provinces to set hearing loss as a priority for health management at all ages. There is a substantial literature on the impact of hearing loss on social isolation leading to depression at any age, lower education and employment outcomes and negative impact on families.
- Advise provincial health systems to ensure that hearing screening is used for newborns, children and adults (especially after age 60).
- Provide support for Audiologists to educate the public in campaigns focussing on hearing conservation, the importance of hearing to quality of life and the need to include hearing in each person's self management of health as they would get regular dental and vision checks.
- Ensure that tax incentives are available to individual users of hearing technology and to companies and schools providing support for those with hearing loss.
- Ensure that government buildings are built with standards supporting hearing health.

- Provide guidelines and promote the use of sound levels in public buildings, such as restaurants, which facilitate the ability to communicate by people with less than optimum hearing. Many people with mild hearing loss are significantly impacted by loud restaurants, theatres etc. to the point where they stop attending social events and isolate themselves from their social networks. People need to engage themselves socially to maintain a healthy lifestyle.
- Legislate the safe volume of sound at concerts, sports events and other public activities which currently operate at volumes exceeding safe hearing levels.
- Ensure that public safety alarms and spoken messages also have a visual alarm feature.
- Provide a mandate to include captioning on TV screens in transportation terminals, airports etc. where public announcements are frequently made using a loud speaker system.

MEDIA ACCESS CANADA

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CANADIAN CENTRE FOR DIVERSITY AND INCLUSION

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COMMUNICAID FOR HEARING IMPAIRED PERSONS (CHIP)

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 info@hearhear.org

Communicaid for Hearing Impaired Persons (CHIP) is a non-profit organization which serves individuals affected by hearing loss. It has provided services and support to the English-speaking hard of hearing community in and around greater Montreal since 1979. CHIP's mandate is to offer ongoing support, services and inspiration to those affected by hearing loss, thereby helping to improve quality of life and counter social isolation. CHIP offers programs such as speechreading, workshops and conferences. There is also a Resource Library with interactive activities and the Assistive Listening Devices Program where numerous devices are displayed for members to experience. Through peer mentoring, members can try the devices at their leisure before placing orders through their hearing health professionals. CHIP offers support and assistance for those becoming familiar with the world of hearing loss as well as their families, friends and co-workers.

MISSION:

To provide continuing programs, services and support to people affected by hearing loss. CHIP's vision is a community where we can hear, be heard, and thrive.

HISTORY:

CHIP was founded in 1979. It all started when Alvin Goldman and several other clients from the Audiology department of the Queen Elizabeth Hospital received a letter from their audiologist, Dale Bonnycastle, inviting them to discuss the possibility of forming a self-help group for hard-of-hearing persons. Dale Bonnycastle, an audiologist at the Queen Elizabeth Hospital, felt that the services offered to hearing impaired people were lacking, that administering hearing tests alone was clearly not enough, and the psychosocial aspects of hearing loss were not properly addressed.

With assistance and input from Joan Westland, the executive director of the Association of Hearing Impaired Adults, and Marilyn French St. George, audiologist and teacher at the McGill University School of Human Communication Disorders, a plan was put together to form a group for adults with acquired hearing loss that would focus on self-help, sharing difficulties and finding constructive solutions.

It was with these issues in mind that 14 people gathered for a first meeting in mid-October 1979, ready to devote their time and energy to the English-speaking hard-of-hearing community. Dale Bonnycastle, Alvin Goldman, Ed Plover and Lily Bernstein were the first active members who formed CHIP's team. They quickly devised numerous ideas and plans, including programs and workshops, as well as the much-appreciated biannual magazine, *The Communicaid*.

The first program, named “Aural Rehabilitation,” later developed into the HEAR program. It included workshops on topics such as the anatomy of the ear, communication strategies, phonetics and acoustics (later known as the very popular Speechreading workshop), emotional issues related to hearing loss, hearing aids and devices (later known as the ALD program), and coping with stress. These topics and concerns still remain vital to CHIP today.

PRIMARY CONCERNS OF YOUR MEMBERS/ CONSTITUENTS:

- Same as CHHA, but since our members are Quebec anglophones, they are concerned that they often do not obtain services/information/accessibility in English.
- Finding and keeping jobs - with no discrimination and with accommodations at all levels of the employment process
- French - too difficult for some to learn. But living in QC, extra struggle to find a job needing French.
- Having access to information that is available to other citizens who do not have hearing loss
- Accessible classrooms, churches, senior residences, hospitals, etc.

PRIMARY NEEDS OF YOUR MEMBERS RELATING TO ACCESSIBILITY INCLUDE:

- Same as CHHA, but since our members are Quebec anglophones, they need services in English.
- Real-time captioning in English to be universally available. federal, provincial and municipal events.
- Seniors and unemployed adults - getting hearing aids and equipment. In Quebec, can only receive one hearing aid through RAMQ (Medicare) if person is unemployed or retired.

PRIMARY ACCESSIBILITY LEGISLATION RECOMMENDATIONS:

- Same as CHHA, but they need to have laws requiring accessibility in English
- Legislation with accountability. Specify in the legislation what consequences will be incurred when accessibility is not made available.
- Legislate and subsidize high quality captioning services in all areas of public life for people who cannot use interpreting services because they do not know sign language and do not have good enough lipreading skills. Providing captioning services will make this accessibility more visible and therefore, will raise awareness about the need for this access avenue.
- ASL or captioning online
- Inform and educate all Federal employees what needs to be done to provide accessibility to people with hearing loss. Offer refresher courses on a regular basis. Set up a framework whereby this can be implemented with oversight. Inform the public of their access rights under the law.

- Our members are people with hearing loss who communicate using spoken language, NOT sign language. This demographic is increasing, and is largely ignored. The majority of CHIP members are in the process of adapting to hearing that is gradually declining. Therefore, they never learned to sign or lipread since this was not part of their adult experience until they started to lose hearing.
- The Government of Canada should:
 - Increase the understanding of hearing and hearing loss issues
 - Raise awareness through ad campaigns and by leading by example.
 - This is an invisible disability.
 - Here are some ways this disability can be made more VISIBLE:
 - Ensure that high quality visual language interpreting is available, and that includes ORAL INTERPRETING for people who lipread and don't understand sign language. Everyone sees sign language interpreting, but oral interpreting is not known by a large portion of the general public. There are very few high quality TRAINED ORAL interpreters in Canada.
 - Legislate that high-quality captioning be available on all online videos.
 - Loop Canada! Start by looping all federal government offices and buildings.
 - Legislate looping for all provincial and municipal offices, and ensure that funding is made available.
 - Legislate access (interpreting, loops, affordable assistive listening devices) in all areas of public life. No public buildings are without wheelchair access, yet people with hearing loss are denied access if they cannot hear/ understand what is being said.
 - Legislate mandatory VISUAL alerting systems for emergencies - fire alarms, etc. in ALL public and private buildings.
 - Obviously, small/nonprofit organizations do not necessarily have the funds to implement these measures, some of which are very costly. Therefore, Federal funding should be allocated to them. Often it is the non-profit organizations which deal directly with the groups of people with specific disabilities, and ironically, they do not necessarily have the necessary funding to enable accessibility among the members who could most benefit from this accessibility! For example, some work out of church basements and people with motor impairments are not able to enter. Groups working with people who have hearing loss may not be able to afford interpreters, real-time captioning, etc.

- The existing laws don't seem to have enough impact. Establish more than just guidelines. The law should have deadlines, and funding and implementation rules which MUST be followed. Allow for an EASY complaint procedure with HELP from appropriate government bodies. All too often, persons with disabilities give up because the complaint process is so exhausting, time-consuming and difficult to navigate.
- Provide funding to non-profit organizations so they can become compliant.
- The problem is that large for-profit and government organizations are often offenders and how can they be made to comply? Strict mechanisms should be in place with penalties for individuals in decision-making positions. Obviously, financial penalties have no impact on government bodies, since the fine goes from one government budget to another! Supervisors/Administrators/Civil servants should be formally reprimanded with impacts on their careers/jobs. Penalizing non-profit organizations is counter-productive.
- Cf building codes, people in wheelchairs
- Change income tax law to allow for Disability Tax Credit for people with hearing loss who communicate orally (See CHHA recommendation.)

*****As the only Anglophone organization from Quebec, we need to be part of the consultation process.***

- People lose their motivation because the request/complaint/appeal process is so daunting
- Unique to Quebec - All of our services are patient-oriented. In Quebec RAMQ, less recourse fewer rights. Acquiring treatment.
- Unlike the rest of Canada, obtaining hearing aids and other assistive listening and alerting devices is not consumer based. Audiologists in Quebec do not sell equipment. The process of diagnosis and treatment is very different from the rest of Canada, although this has some benefits this also proves to have some challenges as well. Especially since we are considered patients and not consumers, insurance is not the same (for lost, lost or stolen damaged equipment, appeal and the right of the person are very challenging. We talk about accessibility in Quebec many places will offer captioning in French, or QSL but always in not both official Canadian languages?

CANADIAN HARD OF HEARING ASSOCIATION FOUNDATION

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F: 613-526-4718 — Toll-Free: 1-800-263-8068 (Canada Only)
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CANADIAN NATIONAL SOCIETY FOR DEAF-BLIND

Canadian National Society for Deaf-blind
405-422 Willowdale Avenue, North York, ON, Canada M2N 5B1

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deafblindcanada.ca

THE HEARING FOUNDATION OF CANADA

The Hearing Foundation of Canada
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Toll-free: 1-866-HEAR-YOU (1-866-432-7968)
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APPENDIX 12: ARCH DISABILITY LAW CENTRE SUBMISSION

CLARIFYING POWERS RECOMMENDED FOR A BODY TO OVERSEE IMPLEMENTATION AND ENFORCEMENT OF NEW FEDERAL ACCESSIBILITY LEGISLATION

Submitted by Christianne Scholfield November 10, 2017

Project Manager – Spotlight on Invisible Disabilities
Gestionnaire de projets – Pleins feux sur les déficiences invisibles
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In our paper entitled `Considerations for Effective Implementation and Enforcement of the Proposed Federal Accessibility Legislation` (available here: <http://www.archdisabilitylaw.ca/node/1205>), ARCH recommended a series of proactive enforcement measures for the federal accessibility legislation, including:

- data-based human rights monitoring using data collected to target proactive auditing or compliance measures
- conducting systemic investigations of non-compliance with accessibility requirements
- setting and measuring benchmarks for meeting accessibility requirements

These proactive enforcement measures are based in human rights principles and draw upon the oversight and monitoring mechanisms set out in the *CRPD* (for more detail on this see pages 7-11 of our paper). Proactive enforcement measures will help the Government of Canada achieve its stated intention of creating legislation that addresses accessibility proactively and systemically.

The federal accessibility legislation is a very important opportunity to implement relevant parts of the *CRPD* into Canadian law. The proactive enforcement measures described above, which draw upon *CRPD* principles, are one way of achieving this objective. In addition, this objective can be achieved by incorporating or adopting a number of articles of the *CRPD* into the federal accessibility legislation directly. This is described in more detail in another paper ARCH wrote, which is available here: http://www.archdisabilitylaw.ca/Discussion_Paper_FedAccessibilityLegislation_CRPD

APPENDIX 13: SCI CANADA AND CAD-ASC SUBMISSIONS

11/15/2017



Mr. Bill Adair
CEO Spinal Cord Injury Canada Chair CAIP
520 Sutherland Drive,
Toronto, ON, Canada, M4G 3V9

Re: Access and Inclusion Legislation Oversight Body Powers - Guiding Principles and Procedures

Dear Bill,

It was a pleasure to speak with James van Raalte on October 18th of the new Accessibility Directorate, and we offer our thanks for a fruitful discussion. We were pleased to establish a common vocabulary and shared understanding respecting effective, fair and just principles and procedures that should guide the oversight and enforcement of standards promoting the full inclusion of Canadians living with a disability. Further to our telephone meeting, please find below the CAIP Lawyer Panel's vision for implementing an oversight and enforcement model for new federal standards respecting improved accessibility and inclusion of persons living with a disability.

We were asked, what is the most effective means of balancing the need to advance standards to create a barrier-free Canada with the necessity to avoid social and economic chaos through enforcement of these standards? In our recent tele-conference we noted that balance can be achieved by building upon existing jurisprudence, legislation, and policy that has successfully grappled with this very question within the context of disability and human rights. During our discussion we noted the following:

- (1) Rules of procedure must be consistent with the principles of the Canadian Charter of Rights and Freedoms and rules of fairness pursuant to the common law.*
- (2) Enforcement and oversight of standards must be consistent with the legal standard of undue hardship as articulated by the Supreme Court of Canada.*
- (3) When there are findings of liability or a breach of human rights principles, The Supreme Court and appellate courts have well-established approaches to allowing a phased and gradual implementation that will build on the prior success of Canadian governmental initiatives. Two examples are the federal government's requirement to develop policy respecting assisted suicide and developing a compensation package for The Sixties Scoop survivors. This precedent should be followed.*

- (4) *A universal procedure for procurement should be established that does not pit one Minister against another. Government could look to its existing Policy on Green Procurement that details the importance of environmental performance and sustainability considerations in the government procurement process. Departments and agencies are required to report annually on their progress on green procurement, and this should also be enacted for the proposed accessibility legislation. This may require the tender to (i) demonstrate how the proposed contract will meet the standards of the accessibility act, and (ii) if they are found to fall short, the offender to be given a 15 or 30 day opportunity to rectify the mistake (revise their proposal) rather than be immediately banned.*
- (5) *A mediation process should be established for those persons or bodies found to be or alleged to be in contravention of the proposed accessibility act. A process similar to that of evaluative mediation at the Canadian Human Rights Tribunal could serve as a model. Alternatively, a procedure similar to that detailed in the Ontario Public Health Act for bodies found to be in violation of the Act, in which the accused are given a hearing before the Board, could be established.*
- (6) *Revocation of funding would be a last resort and subject to checks and balance.*
- (7) *Should the oversight body identify egregious errors in the upholding of standards, then it would have to be followed through a series of procedural checks that would include (i) a letter to the offending body; (ii) invitation to discuss, through mediation or consultation (i.e. work with the organization rather than be automatically punitive), and (iii) if no change can be made, there would be a recommendation to and/or powers to revoke funding. We hope the above further illuminates the items discussed at our recent tele-conference, and the anticipated approach to establishing fair, just and effective oversight and enforcement of standards promoting a fully inclusive Canada.*
- (8) *As a public entity all procedures will be guided by the principle of transparency in addition to fairness. This will allow for direct access to communications of the Oversight and Implementation body unless privilege is claimed.*

Should you wish to discuss any of the above further, please do not hesitate to be in touch at your earliest convenience.

Sincerely,

*David W. Shannon C. M., O. Ont., LLM
Barrister-and-Solicitor
Chair, CAIP Lawyer Panel*

October 31, 2017



Re: Addendum to the Access and Inclusion Legislation Oversight Body Powers - Guiding Principles and Procedures

Dear Bill and James,

We are presenting this addendum to you and 6 other NPOs with the purpose of providing additional specificity to address James Van Raalte's ("JVR") concerns.

Our review of the notes provided by Bill after the October 2nd meeting identified four questions from JVR:

- (1) How will the oversight body implement its powers of oversight?*
- (2) How will it manage the revoking of funding and provision of penalties?*
- (3) What rules might be applied for bidders in government procurement opportunities?*
- (4) Which Minister would have authority over other Ministers in the event of a procurement conflict?*

David's reply correctly notes that rules of procedure must be consistent with the Canadian Charter of Rights and Freedoms and with legal standards established by the Supreme Court of Canada. This point is in the nature of a preliminary statement of principles and agreement upon guidelines.

If we begin from these "first principles", then in our opinion we effectively establish the new accessibility legislation as at least equal in authority to the Charter. Starting from that point, it follows that the legislation and its Ministry would have precedence over all other Ministries, just as the Charter itself does. That answers JVR's fourth question.

It also follows logically that the rules of the legislation would apply to procurement opportunities without exception, again as the Charter does. After all, if it overrides all Ministries, then it must also override all procurement opportunities inside those Ministries. This answers the third question.

Having thus established the oversight body's positioning within the structure of governmental authority, the next topic to consider would be the first question: how will the body implement its powers? Here we need to keep in mind something a little beyond JVR's question, namely, the body implements the legislation not just to the procurement process but also to the overall federal government structure, actions, policies, and practices. For example, it's not enough to require that bidders on a procurement contract with (let's say) Industry Canada meet the accessibility requirements; Industry Canada itself must meet them, too. So we think there may need to be two different implementation thrusts.

The implementation for procurement would follow existing procedures, simply allying the legislation with the Charter at the level of review and evaluation of procurement bids and procedures. The implementation for federal ministries, programs, goods, and services would need a separate and more proactive approach, involving oversight body representatives performing their own inspections. We detailed these elements in one of the sections of our "Communicating Accessibility" report, particularly pages 119-124; we recommend the adoption of the proposals made in those pages.

The pages in our report cited above also respond to JVR's second question regarding revoking of funding and provision of penalties.

We look forward to continuing this dialogue with David.

Thank you.

*James Roots
Pavel Chernousov*

